

Chair Young, Vice-Chair Manning, Ranking Member Miller, and members of the Higher Education Committee, thank you for this opportunity to testify in opposition to House Bill 183.

My name is Minna Zelch and I use she/her pronouns. My husband and I are the proud parents of two amazing children, one of whom happens to be transgender.

I have a number of concerns about this bill, not the least of which involves the fact that it is based on several premises that are misleading at best and outright false at worse. To start, based on last week's testimony the sponsors of this bill are claiming that if we suddenly start letting trans and nonbinary students use their preferred restrooms then every female in this state will have a higher risk of becoming a victim of sexual assault.

The truth is that transgender people have been using their preferred restrooms since long before any of us in this room were even born. This includes our daughter, who has been using women's restrooms for years without incident. This is not a new concept. Trans people have been using their preferred restrooms for years and in the vast majority of instances absolutely nothing has happened.

Statistics all show that in cases where harassment or assault does take place, the transgender person is more likely to be the victim, not the perpetrator. Transgender people are four times more likely to experience violent crime than their cisgender peers<sup>1</sup> and almost exactly the same percentage of transgender college students and cisgender college women report being sexually assaulted, 20.3% and 20.4% respectively<sup>2</sup>.

The truth is that the vast majority of sexual assaults are committed by white men over age 30 with prior criminal records<sup>3, 4</sup>. Therefore, if we are truly trying to protect women and girls, this is the demographic we should be focusing on, not transgender and nonbinary youth.

In his sponsor testimony last week, Representative Bird dismissed the idea that this legislation would negatively impact trans and nonbinary individuals by repeatedly stating that they could always use private unisex restrooms. On the surface this sounds logical, but the truth is this statement reveals cisgender privilege that even I wasn't aware of until I witnessed the struggles of our daughter.

The first two years after our daughter came out she almost exclusively used the unisex restroom at school. There was only one that served the entire middle school and high school populations and it was about as far away from our child's classrooms as you could get and still be in the same building. In addition, since it was the only private restroom serving two schools, it was in very high demand. Having access to only one restroom not only ostracized our daughter, it also forced her to miss hours of instructional time traveling to and from, and waiting to use, the only restroom available to her. How lucky are we that the three months she was on crutches were while our district was doing virtual school because of covid. Otherwise, she would have had to go the entire school day without eating or drinking anything, something many transgender students already do<sup>5</sup>, because her mobility issue would have made it impossible for her to make it to the restroom in time.

Given our daughter's experience, I began wondering if a possible compromise might be to try and have more fully private unisex restrooms available for everyone. Even our straight, cisgender son hates using the restroom at school because the boys are constantly looking through the cracks and sticking their heads under the walls.

Last week I had a long conversation with a contractor who has served on the construction planning board for school districts. He confirmed that Ohio building codes make it nearly impossible for K-12 school districts to provide more than one or two, if any, private unisex restrooms. For educational facilities, the Ohio plumbing code requires 1 water closet designated only for males and 1 designated only for females for every 50 occupants<sup>6</sup>. This combined with ADA requirements and a ton of additional plumbing codes makes building restrooms extraordinarily expensive and challenging.

To learn how this plays out on a practical level, I spoke to a school board member at a district that recently rebuilt one of their aging buildings. Wanting to make restrooms safer and more comfortable for all students, the board had wanted to install completely private stalls with common sink areas but were prevented from doing so due to the above mentioned plumbing code. In this board member's opinion, if HB 183 were to pass, schools "would literally be forced to convert classrooms into bathrooms in order for students to safely and legally use the restroom."

Representative Bird's suggestion may sound like a reasonable solution, but the reality is unisex restrooms are rarely an option for most transgender people, especially students. Even in the Ohio Statehouse there isn't a single unisex restroom open to the public. Which means, if this bill became law and applied to this venue, at least half the people in this room would be unable to use the restroom.

The truth is this legislation isn't about bathrooms any more than Jim Crow laws were about water fountains. As Representative Jarrells so eloquently pointed out last week, the same arguments that were once used to dehumanize black people are now being used to dehumanize trans and nonbinary people. Jim Crow laws existed in part because the presence of black people made some white people uncomfortable. Today, we are fighting an onslaught of anti-trans legislation because the mere existence of transgender and nonbinary people makes some cisgender people uncomfortable.

This fact became abundantly clear during Representative Lear's sponsor testimony which, as Representative Abdullahi pointed out, had absolutely nothing to do with restrooms. Instead, Ms. Lear's testimony focused entirely on her belief that transgender people can't exist because God only made males and females. Putting aside for the moment the fact that God also made intersex people, who happen to represent a much greater percentage of the population<sup>7</sup> than transgender people<sup>8</sup> and are conveniently ignored in all of these arguments, a human being's very existence is not something that should ever be up for debate. And yet here we are with state representatives questioning the humanity of an entire group of people for political gain.

House Bill 183 does nothing more than harass and punish trans, nonbinary, and intersex individuals for the crimes of mostly cisgender males. By passing this legislation you would be condemning people like my daughter not for any actions they have or haven't taken but for the very fact that they exist. That is the very definition of discrimination.

Please vote no on this extraordinarily harmful and discriminatory legislation.

## Sources

- <sup>1</sup> <https://williamsinstitute.law.ucla.edu/press/ncvs-trans-press-release/>
- <sup>2</sup> [https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7\\_\(01-16-2020\\_FINAL\).pdf](https://www.aau.edu/sites/default/files/AAU-Files/Key-Issues/Campus-Safety/Revised%20Aggregate%20report%20%20and%20appendices%201-7_(01-16-2020_FINAL).pdf)
- <sup>3</sup> <https://www.rainn.org/statistics/perpetrators-sexual-violence>
- <sup>4</sup> [https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Sexual\\_Abuse\\_FY18.pdf](https://www.ussc.gov/sites/default/files/pdf/research-and-publications/quick-facts/Sexual_Abuse_FY18.pdf)
- <sup>5</sup> <https://transequality.org/sites/default/files/docs/usts/USTS-Full-Report-Dec17.pdf>
- <sup>6</sup> <https://up.codes/viewer/ohio/ibc-2015/chapter/29/plumbing-systems#29>
- <sup>7</sup> <https://isna.org/faq/frequency/>
- <sup>8</sup> <https://williamsinstitute.law.ucla.edu/publications/trans-adults-united-states/>