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House Higher Education Committee
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Columbus, Ohio 43215
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October 11, 2023

RE: HB183 “Student Bathroom Bill” - *oppositional testimony*

Dear Hon. Chair Young, Vice Chair Manning, Ranking Member Miller, and Committee Members:

Thank you for the opportunity to address you on this important issue. Today is National Coming Out Day, and I am coming out in support of trans, nonbinary, Two-Spirit, and intersex students in Ohio, kindergarten through higher education, who simply want to be free to use the restrooms and locker rooms in their schools without being forced to use the incorrect facility or a special accomodation.

My name is Dara Adkison and today I represent TransOhio, Ohio’s first trans-led statewide equality group. TransOhio is an all-volunteer organization dedicated to education, support, advocacy, and community. Together, we oppose this bill for the following five reasons:

1. This bill is discriminatory on its face;
2. Bathroom bills are bad public policy;
3. Trans-exclusive school bathroom policies harm *all* students, including cisgender girls;
4. Most trans, non-binary, and other gender nonconforming youth only begin using restrooms that better align with their gender identity *after* they experienced some form of trauma in a restroom or locker room that matched their sex as assigned at birth; and
5. This bill is broad government overreach and is overly burdensome to Ohio schools.

1. The “definition of sex” language in this bill attempts to narrowly define “sex” to exclude gender identity and mirrors the language in several other anti-transgender bills. This definition of sex does not exist in the Ohio Revised Code.

The federal courts have been clear: discriminating on the basis of someone’s gender identity or sexual orientation is inherently discrimination on the basis of sex, which is a violation of Title IX. If Ohio passes this bill, our state could lose all federal funding... funding provided to Ohio’s 611 public school districts, 49 joint vocational school districts, 324 public community



schools, 7 STEM schools, and 88 higher education institutions, including 14 public universities (with 24 branch campuses), 23 community colleges, and 51 private colleges and universities.

2. This bill makes Ohio look bad. The state of North Carolina lost over \$400 million in contracts, investments, jobs, and tourism when it passed the infamous HB2, which, just like this bill, attempts to redefine “sex” and to exclude transgender students from using the restrooms that best align with their gender identity. Young people are already leaving Ohio, citing the progression of anti-trans legislation as well as the decreasing quality of education.

3. This bill is not only impossible to enforce, but also will lead to harassment of both transgender and cisgender girls to ensure that they are in the “right” place.

4. Trans youth are more likely to be bullied, harassed, and assaulted in bathrooms and locker rooms than their cisgender peers. In fact, the majority of trans students who do use facilities at school begin to use bathrooms that better correspond with their gender identity when they are kicked out of the other bathroom. Often, instances of bullying go down when trans students are permitted to use the correct bathroom.

There are no documented cases of a cisgender student being harmed in the bathroom by the mere presence of a transgender student also using the bathroom.

5. The bill offers no suggestion as to *how* sex should be determined, or by whom. And, frankly, that disturbs us.

All school personnel would be expected to know the sex listed on the original birth certificates of all students in order to properly monitor single-sex spaces.

HB183 isn't needed. It isn't wanted. And it isn't even legal.

We urge you to **vote no**. Thank you for your time, attention, and consideration. Please feel free to contact us with any questions. We welcome further discussion.

Respectfully,

TransOhio Board of Directors