

Senate Education Committee
Andrew O. Brenner, Chair
Sandra O'Brien, Vice Chair
Catherine D. Ingram, Ranking Member

Submitted by: Patty Benninger
Opposition Testimony to: Am.H.B. 8

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram, thank you for the opportunity to submit written testimony in opposition to Am. H.B. 8, the Parents' Bill of Rights. My name is Patty Benninger, and I am a retired teacher. My husband is a psychologist who works with children of all ages. We are the proud parents of a daughter, her wife, and proud grandparents of their 18-month-old child. If this bill passes, it will negatively affect all our children, grandchildren, and especially the children of the LGBTQ+ community.

The description of this bill about parental notification of "sexuality content" is very vague and misleading. An important question is: Who gets to decide what instruction includes "sexuality content" described in the definition of this bill? Would it be the teacher, principal, the superintendent, or a parent committee? There are various levels of possible "sexuality content" e.g., Is kissing included in this definition? Would a child's picture book depicting two adults kissing or two gay people kissing be included in the bill's definitions? It would be important to determine what examples are now occurring in Ohio schools that would be defined as having "sexuality content". Under this bill, high school Health and Biology class curricula would have to be revised. There are already protocols in place for content that may include "sexuality", such as, permission waivers sent home to parents. Public schools must establish policies on parental involvement in schools that allow parents to be actively involved in their children's education (Ohio Revised Code Section 3313.472). School districts must establish a parental advisory committee to enable review of instructional materials and academic curricula (Ohio Revised Code Section 3313.212). Parents have the right to opt their student out of instruction on certain subject areas. With all the parental input already in place in Ohio schools, there is no need for any additional oversight described in Am. H.B. 8.

Since the bill sponsors feel the need to put unnecessary constraints on Ohio teachers, it is important to review a survey which found that an overwhelming majority of Ohio's parents trust the states' K-12 teachers (<https://www.nbc4i.com/news/local-news/survey-90-of-ohio-parents-trust-childs-teacher/>). Ninety three percent of Ohio parents trust their teacher to teach age-appropriate content. Teachers have 4-8 years of college in education curricula so that they can pick age-appropriate material.

Am. House Bill 8 would require schools to notify parents of any change in the student's services related to the student's mental, emotional, physical health or well-being. If a student is "outed" by a teacher or guidance counselor, the school could be found in violation of the state's "Family Educational Rights and Privacy Act": ("FERPA"). In "Ngouon v. Wolf, 517F. Supp.2nd 1177, 1191", it states that the student's "coming out" to a trusted teacher does not mean the student has consented to the teacher's further disclosure of that information. If this bill passes, a school could face legal liability if a student dies by suicide after being "outed" to parents.

A co-sponsor of H.B. 8 was asked in an NBC-4 interview about any negative effects of the Parents' Bill of Rights on LGBTQ+ students and she responded "They're not the only ones that can be offended. I'm offended that they think this is what that's about. This isn't about that. Everything isn't about the LGBTQ." (<https://www.nbc4i.com/news/local-news/columbus/parents-bill-of-rights-new-ohio-bill-introduced-allowing-parents-to-review-lessons/>). That fact that she equates her being "offended" with how it offends LGBTQ+ students is unconscionable. Her reaction doesn't even come close to the verbal abuse, prejudicial comments and violence that may be experienced by an LGBTQ+ student. There has been an unbelievable increase in hate crimes against gay individuals. In 2022, acts of political violence targeting the LGBTQ+ community have more than tripled compared to 2021 incidents. (<https://acleddata.com/2022/11/23/update-fact-sheet-anti-lgbt-mobilization-in-the-united-states/>) In a poll conducted by the Trevor Project on 1/19/23, a majority of LGBTQ+ youth said that anti-LGBTQ hates crimes and homophobia give them stress and anxiety "very often" (<https://www.thetrevorproject.org/blog/new-poll-emphasizes-negative-impacts-of-anti-lgbtq-policies-on-lgbtq-youth/>).

If Am. H.B. 8 is passed, there would be an increased risk to the mental health of LGBTQ+ students. **All students** should have the opportunity to study curricula which includes topics deemed necessary to give them a well-rounded education. Please oppose Am.H.B. 8 in support of professional teachers and well-informed parents.