

TO: Senate Education Committee

FROM: Gary Daniels, Chief Lobbyist, ACLU of Ohio

DATE: December 12, 2023

RE: Am. House Bill 8 – Opponent testimony

To Chairman Brenner, Vice Chair O'Brien, Ranking Member Ingram, and members of the Senate Education Committee, thank you for this opportunity to provide opponent testimony on Amended House Bill 8.

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The ACLU of Ohio's primary concern with HB 8 is the negative impact and consequences its passage will surely have for many students lives, their physical and mental health, and school staff.

As this committee knows, HB 8 requires school districts to: ***Notify a student's parent of any change in the student's services or monitoring related to the student's mental, emotional, or physical health or well-being or the school's ability to provide a safe and supportive learning environment for the student.*** (Lines #27-31).

And outlaws school staff: ***...directly or indirectly encouraging a student to withhold from a parent information concerning the student's mental, emotional, or physical health or well-being, or a change in related services or monitoring.*** (Lines #37-41)

At the ACLU of Ohio we know so many teachers and other staff, at so many schools, have become de facto therapists, social workers, and guidance counselors for students with nowhere else to turn.

Like you, we find it deeply troubling and unacceptable so much abuse and rejection happens to our young people at the hands of their parents, one parent, a stepparent, or a guardian.

We wish it was not reality that some students get beaten, emotionally abused, or kicked out of their home because a parent discovers they are pregnant.

We wish we could change the fact some parents harm their children because they express something that indicates, or is merely interpreted as, gender non-conformity. Or because their 17-year-old says they are attracted to a same-sex classmate.

But, again, that is the reality for so many of our young people, some of whom thankfully find a sympathetic guidance counselor, an empathetic nurse, or a single, teacher they trust with personal dilemmas.

In Ohio, the first public schoolhouse was built in 1772. My guess is some students immediately sought support from a teacher for their problems or to escape unsafe or toxic home environments and it has been that way ever since. Surely, there are people in this room, perhaps on this committee, who once confided something in a trusted adult at school they never would have, or did, with their friends, their classmates, or their parents.

House Bill 8 acknowledges this dynamic and eviscerates it. Why would a pregnant student go to the school nurse for morning sickness knowing that information must be reported to a parent who will then kick them out of the house? What happens when the guidance counselor may be the only safety valve a high schooler has regarding their questions about gender identity, or sexual orientation, but now the information given by the vulnerable student must be disclosed to other school staff, as would be necessary for compliance with HB 8, and with the most loving, supportive parents to the most abusive and threatening ones. No exceptions.

HB 8 once did contain exceptions language. However, that protection was removed with no explanation by the Senate. The removed provision was substandard but did seem to recognize an unwise, one-size-fits-all approach does not work here and will cause harm.

That language allowed for nondisclosure of the types of information and conversations referenced in this testimony when someone believes the ***disclosure would result in abuse, abandonment, or neglect; that belief shall not be based on a parent's religious or political beliefs.*** (Lines #42-47, As Introduced version)

The ACLU of Ohio does not believe it is the intention of this committee, HB 8's sponsors, or the bill's proponents to intentionally cause our students and children harm. But passage of HB 8 creates additional, entirely predictable problems that, in too many situations, will escalate to further tragedies. At a minimum, we recommend the reinsertion of language to protect Ohio's most vulnerable students

For these reasons and more, the ACLU of Ohio urges this committee's rejection of Amended House Bill 8.