

December 11, 2023

The Honorable Sen. Andrew Brenner
Chair, Ohio Senate Education Committee
Ohio Statehouse
1 Capitol Square
Columbus, Ohio 43215

Re: Testimony from American Atheists in opposition to HB8, the so called “Parents’ Bill of Rights”

Dear Chairman Brenner and Members of the Ohio Senate Education Committee,

American Atheists, on behalf of its more than 2,000 constituents in Ohio, writes in opposition to HB8, a controversial measure that would undermine Ohio’s public education system and harm Ohioan youth. HB8 would create unnecessary barriers for education on matters of public health and human sexuality, would silence LGBTQ children and faculty regarding matters of gender or sexuality, and force the outing of children’s suspected sexuality or gender, which will result in increased abuse and bullying of LGBTQ children. We strongly urge you to reject this dangerous bill.

American Atheists is a national civil rights organization that works to achieve religious equality for all Americans by protecting what Thomas Jefferson called the “wall of separation” between government and religion created by the First Amendment. We strive to create an environment where atheism and atheists are accepted as members of our nation’s communities and where casual bigotry against our community is seen as abhorrent and unacceptable. We promote understanding of atheists through education, outreach, and community-building and work to end the stigma associated with being an atheist in America. American Atheists rejects efforts to undermine the education, acceptance, and well-being of LGBTQ students based on religious beliefs.

HB 8 would 1) require schools to provide notice regarding any “instruction that includes sexuality content” (as vaguely defined), 2) allow parents to opt students out of such content and notify parents of any change in services provided to a student, 3) notify parents that they can withhold consent for health care, and 4) create a process for parents to file vague written concerns in connection to the matters covered by the bill. While some of these provisions sound reasonable on their face, the issue is that they are unnecessary -- unless their purpose is to out and stigmatize LGBTQ youth. Parents in Ohio can already opt their children out of sexual health education. This bill relabels any presentation, image, or description of “gender ideology” as “sexuality content,” meaning a presentation meant to prevent bullying of LGBTQ youth is now “sexual,” as is any meeting of a school’s GSA group. Any library book that describes an LGBTQ person can now be labeled as “Sexual” -- this bill is squarely aimed at “disappearing” LGBTQ people from the school community; erasing their history, preventing any discussion, and cutting off any assistance for youth seeking help or understanding. This bill would purposefully create an environment of fear in Ohio public schools,

one where young LGBTQ people are afraid to be themselves and teachers are too afraid to help them, lest they jeopardize themselves and the youth in question.

Rather than encouraging silence, ignorance, and fear, Ohio lawmakers should promote inclusive, comprehensive sex education. The American College of Obstetricians and Gynecologists, the Society for Adolescent Health and Medicine, the American Academy of Pediatrics, the American Medical Association, the American Public Health Association, and the National Association of School Nurses all endorse comprehensive sexuality education that includes both abstinence promotion and accurate information about contraception, human sexuality, consent and boundaries, and STIs.¹ Studies have shown that public health improves when young people have access to comprehensive, inclusive, and accurate sex education. Evaluations show that these programs can help youth delay onset of sexual activity, reduce the frequency of sexual activity, reduce the number of sexual partners, reduce risk taking, and increase condom and contraceptive use.² They allow young people to better identify healthy and unhealthy relationships and understand sex and sexuality in the context of today's society.

Moreover, parents overwhelmingly support sex education in schools.³ If Ohio lawmakers are really concerned with parental rights, they should ensure that every school offers comprehensive sex education. Instead, opt-out provisions give parents/guardians control over their child's education by granting them the option to have their child excused from any sex education requirements within a public school's curriculum. For some young people, school-based sex education is their only opportunity to receive this vital information.

Ohio lawmakers should support vulnerable LGBTQ youth, not suppress them in the name of parental rights. HB8 would have a chilling effect on the ability of students in Ohio public schools to access materials relating to LGBTQ history, people, and their families through school libraries and classrooms. Teachers in states with similar laws, such as Florida, which recently wrote regulations so vague that LGBTQ teachers are unsure whether they can display portraits of them and their same sex partners.⁴ Would showing an educational video of a family with a mother and father with kids get a teacher fired for showing 'sexuality content'? If so, why does it get more protections than displays of families with parents of the same gender?

Citing Florida's "Don't Say Gay" bill, schools across Florida have already begun to ban books merely for having LGBTQ characters, claiming the books are sexual in nature as well as books that center

¹ See, e.g., ACOG Committee Opinion on Comprehensive Sexuality Education No 678 (2016) Reaffirmed 2020. Available at

<https://www.acog.org/clinical/clinical-guidance/committee-opinion/articles/2016/11/comprehensive-sexuality-education>.

² UNESCO. (2018). International Technical Guidance on Sexuality Education. Available at: <https://unesdoc.unesco.org/ark:/48223/pf0000260770>.

³ Kantor L and Levitz N. (2017). Parents' views on sex education in schools: How much do Democrats and Republicans agree? PLoS ONE 12(7): e0180250. Available at <https://doi.org/10.1371/journal.pone.0180250>.

⁴ Carlisle, M. (2022, August 25). Florida Teachers Confused By So-Called 'Don't Say Gay' Law. Time. Retrieved from <https://time.com/6208554/florida-lgbtq-teachers-dont-say-gay-education-law/>.

varying ethnicities, religions, and gender identities.⁵ At a time when schools have become political battlegrounds and marginalized students are being politically targeted, this proposed legislation is dangerous, grossly unfair, and it would further marginalize students.

Forced outing of trans students puts these students at greater risk and limits their ability to reach out for help. Perhaps most sadly, this bill would prevent teachers and administrators from creating safe and welcoming educational environments for LGBTQ students by requiring schools to report any "request by a student to identify as a gender that does not align with the student's biological sex". Concerned with potential disrespect, or even abuse, at home if parents are notified that a student is not heterosexual or cisgender, some students in Ohio will feel like they have to live a lie both at school and at home. Schools can serve as the one refuge that LGBTQ young people have in a society where they are too often stigmatized and rejected by their families, churches, and communities. HB8 will deprive LGBTQ students of that safe environment where they learn, grow, and openly be themselves, leading to worse health and educational outcomes. Growing up is challenging enough, and schools must be a space of safe expression for students.

For these reasons, we ask you to reject HB8. If you should have any questions regarding American Atheists' opposition to HB 8, please contact me at rhofmann@atheists.org.

Sincerely,



Rob Hofmann
State Policy Manager
American Atheists

CC: All Members of the Ohio Senate Education Committee

⁵ Ross, N. and Wong, A. (2022, Sept. 26). *PEN American report shows Florida has 2nd highest number of school-related book bans*. News-Press. Retrieved January 19, 2023, from <https://www.news-press.com/story/news/education/2022/09/26/school-book-bans-florida-2nd-highest-nation-pen-america-report-banned/10428021002/>; Riley, J. (2023, January 6). *Florida county bans book on Gay Penguins, citing "don't say gay" law*. Metro Weekly. Retrieved January 18, 2023, from <https://www.metroweekly.com/2023/01/florida-county-bans-book-on-gay-penguins-citing-dont-say-gay-law/>; Tolin, L. (2022, December 9). *These 176 books were banned in Duval County, Florida*. PEN America. Retrieved January 18, 2023, from <https://pen.org/banned-books-florida/>.