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**Senate Education Committee  
Dec. 12, 2023**

**Written Testimony on HB 8**

**Rachel Chilton, Executive Director, Ohio School Psychologists Association**

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram and members of the Senate Education Committee, my name is Rachel Chilton and I am executive director of the Ohio School Psychologists Association, which represents more than 800 school psychologists across the state. OSPA wants to express strong concerns with HB 8, particularly how it would create a professional conflict for school psychologists.

HB 8 as written would require school staff to notify parents of any change to a student's "mental, emotional, or physical health or well-being," which includes "any request by a student to identify as a gender that does not align with the student's biological sex." Such an approach would violate NASP's Principles for Professional Ethics (NASP, 2010) Standard I.2.6 that school psychologists must respect the right of privacy of students with regard to sexual orientation, gender identity, or transgender status and not share that information with anyone without that individual's permission.

Consequently, HB 8 would create a professional conflict for Ohio school psychologists. Requiring compliance with HB 8's legal directives is in opposition to NASP and APA ethical guidelines, professional guidance, and applicable psychology and educational practice law. Such practice dualities, impacting behavioral health and medical disciplines, would result in either violations of fundamental practice principles towards supporting all clients and patients (particularly minoritized populations who would be harmed by this legislation), or violations of state law.

This conflict could be resolved should the language in the bill provide an exemption from parental disclosure in cases when school personnel believe there is a reasonable potential for abuse, neglect or abandonment of the child.

Studies show affirming mental health care treatment is suicide prevention. Banning affirming behavioral care for minors goes against widely recommended medical advice and would harm the mental well-being of all LGBTQ+ youth across the state, especially transgender and non-binary youth who require specialized support in navigating the biopsychosocial challenges of living as gender-diverse individuals.

Additionally, a U.S. District Court in Maryland recently validated the need for guidelines for student gender identity and threw out the lawsuit from parents who said it violated their rights (*Parents v. Montgomery Cnty. Bd. of Educ.* 2022). Judge Paul Grimm sided with the district's guidelines directing staff to respect students' gender identity and pronouns, protect their privacy in disclosing pronouns and identities to other students and their families and



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support them if the student felt unsafe at home. The guidelines in question also instructed staff to use a student's legal name and pronouns aligned with their assigned sex at birth until the student or their guardian specified otherwise. The judge called the guidelines necessary and flexible.

This legislation would result in school psychologists having to decide between the provision of competent and ethical care or following state law. It ignores a solid body of research as to the dangers inherent in depriving a vulnerable population of needed psychological care and the potential for suicide because of it.

Thank you for allowing us to provide testimony. We appreciate your consideration.