

December 8, 2024

The Honorable Andrew Brenner, Chairman  
Senate Education Committee, Ohio Senate  
1 Capitol Square  
Columbus, OH 43215

Thank you for the opportunity to present opponent testimony regarding House Bill 8. My name is Sydni Porter, and I am a third-year law student at Cleveland State University. During my second year of law school, I researched, wrote, and argued in a soon-to-be-published legal note that House Bill 8 violates the First and Fourteenth Amendments. I urge you to oppose House Bill 8 as its ambiguities will harm LGBTQ+ students, leading to unconstitutional and inequitable harm.

In the text of House Bill 8, you won't find the phrase "Don't Say Gay." However, just because the bill is facially neutral does not mean the disparate effects against the LGBTQ+ community are invalid or non-existent. Instead, the bill creates a chilling effect, making it difficult for teachers and schools to navigate what constitutes "appropriate" material for the classroom.

Consider a hypothetical situation where an elementary student is asked to complete a family tree as a school project. If a student with same-sex parents completed this project, would the school face liability under the bill for failing to disclose to all parents that "sexual concepts" or "gender ideology" were indirectly taught in the classroom? Is this student singled out and not permitted to share her tree with her classmates?

Though the text is ambiguous by design, the result is clear: LGBTQ+ students, teachers, and families will bear the burdens of this legislation. The differences in treatment between students with opposite-sex and same-sex parents, as well as students who try out a new name or gender identification in a safe environment, are distinctions made inherently on gender classifications.

However, even if schools take precautionary steps to prevent any discussion of these topics in the classrooms, sexuality and gender are *inherently* reinforced and discussed in the school, whether formal or informal. For example, take a teacher who asks for "strong boys" to come help move chairs around. This is an innocent remark, yet by singling out "strong boys," the teacher has reinforced the idea that boys are strong and capable, and girls don't have those same traits or abilities to help in that manner.

A straight teacher telling a student she saw a movie with her husband is permissible, while a lesbian teacher saying she saw a movie with her wife is not. A student named William, who asks to go by Will or Bill, wouldn't ring any alarms, but one named Judy, who asks to go by James, does.

These examples are not all related to queer identity, but the principle is the same: even innocent speech reinforces both "gender ideology" and "sexuality content." Though House Bill 8 pursues parental rights in name, decentralized discrimination remains at the heart and soul of this bill.

Further, if this legislature were genuinely concerned with promoting student success, well-being, and health, it would not require school staff to out transgender and nonbinary students to potentially unsafe homes. Instead, by removing language in a previous draft that protects queer children from being outed in potentially dangerous homes, this law only causes more harm to the kids it claims to protect.

If a gender non-conforming child seeks affirmation in a school environment they feel is safe, the school would be forced to inform the parents regardless of the child's safety at home. Transgender children face extraordinarily high rates of homelessness, abuse, bullying, and mental health issues; adding to this pressure valve instead of allowing a space for acceptance will only further compound these challenges.

Students do not automatically lose their rights upon entering the school; by removing a child's choice of who, when, and under what circumstances to come out, the state has deprived them of a particular aspect of themselves and their story, denying them the ownership of the choice to share their identity when they feel it is safest or best to do so.

No data shows how a non-consensual disclosure of a child's sexual or gender identity promotes their well-being. However, plenty of research shows the exact opposite: such outings negatively affect an individual's well-being. Queer youth face unparalleled rates of anxiety, depression, and suicidal ideation when compared to their straight and cis counterparts. This legislature cannot claim to value a student's psychological health and then adopt policies that will negatively contribute to their well-being in the same breath, all in the name of parental rights.

Topics related to LGBTQ+ people are not inherently sexual or offensive such that they could be considered inappropriate at any age; they certainly are not explicit or vulgar to the degree necessary for limited speech in legal precedents.

In conclusion, House Bill 8 claims to restore parental rights and protect children from inappropriate content in schools. However, as written, the bill's statutory ambiguities will only further harm children who carry heavy burdens in an increasingly hateful world, country, and state. If children cannot feel safe at home, they should at least feel safe as their authentic selves in school.

Despite the stated goals of reaffirming parental rights in education and protecting children, House Bill 8 will only further the anguish queer students face. Accordingly, I ask you to protect the most vulnerable and oppose House Bill 8.

I appreciate your consideration of my concerns.

Thank you,

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