

Education Committee
1 Capitol Square
Columbus, Ohio 43215
brenner@ohiosenate.gov

December 10, 2024

RE: **HB8** "Parents Bill of Rights" or the **unsafe student bill** - *oppositional testimony*

Dear Chair Brenner and respected Committee Members:

My name is James. and I am an attorney in the Cleveland area. I speak to you today as the brother of two educators—one who teaches in Ohio and another who left the state for more support and better pay—as well as a concerned citizen and advocate for equitable and safe schools for all students. **I am here to urge you to oppose HB8, a bill that is harmful, unnecessary, and undermines the safety and rights of LGBTQ+ students and staff in Ohio's schools.**

While HB8 is framed as a bill to enhance parental rights, it goes far beyond that stated intention. In its current form, the bill introduces vague and harmful provisions that are reminiscent of "Don't Say Gay or Trans" laws seen in other states. **It censors classroom discussions, undermines civil rights protections, and imposes conflicting, unworkable obligations on educators.**

Key Concerns with HB8

1. A Harmful Redefinition of Sex

HB8 introduces a definition of "sex" as one's sex assigned at birth, disregarding established medical and legal understandings of sex and gender. This definition directly contradicts Supreme Court precedent in *Bostock v. Clayton County* and undermines Title IX protections that include sexual orientation and gender identity. By doing so, **the bill seeks to erase trans and gender nonconforming individuals under the guise of addressing parental rights.**

This redefinition has profound implications. It could strip civil rights protections from LGBTQ+ employees and students, deny transgender individuals recognition of their gender identity in schools, and codify discriminatory practices. It is a calculated effort to erode existing protections, turning schools into battlegrounds for broader political and cultural debates.

2. Censorship and Curriculum Restrictions

HB8 uses vague terms such as "sexuality content" and "gender ideology" to justify **sweeping censorship**. These terms are not clearly defined, leaving them open to subjective interpretation and weaponization. For example: simply discussing LGBTQ+ families, relationships, or identities could be mischaracterized as inappropriate or sexual content, or a simple acknowledgment of

LGBTQ+ existence—such as a teacher mentioning their same-sex partner or a student discussing their family—could trigger complaints or disciplinary action.

The vague criteria create a chilling effect, discouraging educators from addressing important topics for fear of reprisal. In other states with similar laws, teachers have faced professional risks for innocuous actions like displaying family photos or using inclusive language. This bill prioritizes censorship over honesty and learning, forcing students and educators to suppress their identities and censor their speak and actions.

3. Mandatory Outing and Safety Concerns

HB8 explicitly requires teachers and counselors to notify parents if a student expresses questions about their gender identity or sexual orientation. There are no exceptions, even in cases where this disclosure could place a child at risk of harm.

This mandate directly conflicts with educators' ethical and legal obligations as mandatory reporters. It prioritizes parental notification over the welfare of the child, **endangering students** who may be in unsafe or abusive environments. Schools must remain safe spaces where students can seek support without fear of forced disclosure.

4. Unworkable Compliance Standards

The bill imposes unrealistic obligations on schools to address parental complaints within 30 days and requires alternative curriculum development based on subjective objections. This burdens educators with excessive administrative tasks and creates a pathway for organized campaigns targeting teachers and districts.

Such provisions foster **an environment of intimidation and harassment**, where educators must navigate impossible situations. The vague standards leave teachers vulnerable to complaints for simply doing their jobs, creating fear and uncertainty in classrooms across Ohio.

5. The Broader Implications

HB8 is not about protecting parental rights—those rights are already well-established under existing Ohio law. Parents already have access to lesson plans, school board meetings, and other mechanisms to participate in their children's education. This bill is a political weapon aimed at erasing LGBTQ+ identities, censoring curriculum, and undermining trust in public education. Additionally, this legislation runs counter to the Ohio Department of Education's Whole Child Framework, which emphasizes equity and meeting the unique needs of all students. LGBTQ+ students already face significant challenges, including higher rates of bullying, mental health struggles, and discrimination. HB8 exacerbates these issues, making schools less safe and inclusive.

I ask you to think of the rights of all Ohio parents and their students, and please vote no on HB8.