

Opponent Testimony Regarding House Bill 8, the “Parents Bill of Rights”
Ohio Senate Education Committee
December 10, 2024
Robert S. Chaloupka

Chairman Brenner, Vice Chair O’Brien, Ranking Member Ingram, and members of the Senate Education Committee,

Thank you for the opportunity to present testimony in opposition to House Bill 8, the so-called “Parents’ Bill of Rights.”

While there are a number of issues with this legislation, I would like to focus on the changes made in committee by the House last year. As attorney sworn to support the constitution and laws of Ohio, I am very concerned about the lack of transparency and public input on the changes made to the bill that would make this a simulacrum of the infamous “don’t say gay” legislation recently passed in Florida. As a parent of a child attending a public school (specifically, in the Parma City School District), I am VERY concerned about the impact these changes will have on children like my daughter and others. As a human being, I am OUTRAGED by the callous disregard shown by the legislature to not only LGBTQ+ students and their families, but to ALL students in the state of Ohio.

First, the amended bill defines “biological sex” as the “biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and unambiguous internal and external genitalia present at birth, without regard to an individual’s psychological, chosen, or subjective experience of gender.” That seems to make logical sense, but consider the fact that, under current law, the gender marker on a person’s birth record may be changed, provided they obtain an order from a probate court. Once the record is changed, in the case of minors, the original record is typically sealed. I can only assume the intent is to provide authorization to schools to unseal those records, which defeats the purpose of the modification in the first place. If the ultimate goal is to prevent Ohioans from correcting the gender marker on their birth certificates (in violation of a federal court ruling), then the legislature should do that. Otherwise, this is an unworkable provision.

Second, the bill would codify into law the right-wing talking point of “gender ideology” (though not defining the term) and would hand parents the right to opt their child out of content that exposes them to the existence of LGBTQ+ people. Recent experiences in Utah, where the Bible was banned from classrooms due to its “offensive conduct,” show the dangers of leaving such vague terms in the law.

Finally, the greatest potential harm comes from the forced outing of LGBTQ+ students to their parents, based on the idea that parents always know best when it comes to their children, even in cases where the revelation of LGBTQ+ status could lead to physical, mental, and/or emotional abuse. Educators would be put in the impossible position of being forced to reveal the deepest confidences of their students, with no discretion as to whether the revelation would put the student in harm’s way. In no way am I arguing against parental rights, but we all know that these situations require more nuance than ALWAYS or NEVER taking into account parents’ concerns.

Thank you for the opportunity to present testimony on this bill. I strongly encourage you to vote no on moving this to the Senate floor.