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Senate Government Oversight Committee

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Written Testimony on HB 68

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Chair Roegner, Vice Chair Antani, Ranking Member Hicks-Hudson and members of the Senate Government Oversight 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 68, particularly how it would create a professional conflict for school psychologists. I will speak to both the gender-affirming care provisions as well as the participation in sports by transgender youth; although, we feel that these two topics should be subject to separate legislation.

HB 68 would prohibit transgender, non-binary, and gender non-conforming youth from accessing gender-affirming physical and behavioral health care. It would prevent children who are gender diverse from transitioning, regardless of parental consent and despite previous or current care plans approved by qualified medical professionals.

A joint resolution from the American Psychological Association and National Association of School Psychologists affirms the importance of gender-affirming psychological care within schools and the critical nature of school psychology practitioner's advocacy for non-discrimination and access to care.

The legislation requires parental consent for mental health professionals, including school psychologists, to treat a student who presents with the perception that his or her gender is inconsistent with his or her sex. It is unclear what would constitute treatment in the role served by school psychologists. We believe this language would violate NASP's Principles for Professional Ethics (NASP, 2020) 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, including parents.

Consequently, HB 68 would create a professional conflict for Ohio school psychologists. Requiring compliance with HB 68'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.



Studies show affirming medical and mental health care treatment is suicide prevention.
Banning affirming behavioral and medical care for minors goes against widely recommended medical advice and would harm the mental and physical well-being of all LGBTQ+ youth

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across the state, especially transgender and non-binary youth who require specialized support in navigating the biopsychosocial challenges of living as gender diverse individuals. Gender-affirming medical care is recommended for transgender youth by the American Academy of Pediatrics and the Endocrine Society and is viewed by the American Academy of Child and Adolescent Psychiatry and the American Psychiatric Association as evidence-based patient care.

This legislation would result in the provider 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 medical and psychological care and the potential for suicide because of it.

The legislation assumes that parents are not included in the care of their gender-non-conforming children and adolescents, when parents are most often driving the care of their children in the matters addressed by HB 68. The bill is dangerous to the health and well-being of gender non-conforming children and teens and it blocks treatments for children and adolescents that are more often than not sought by their parents.

For the portions of the legislation that impact participation in sports, OSPA again has strong concerns with this language. The National Association of School Psychologists' ethical standards require school psychologists to validate and affirm a young person's authentic lived experience, value their integrity, ensure their safety, and promote their well-being (NASP, 2020). School psychologists are ethically obligated to advocate for positive school policies and practices to protect the legal rights of students and parents (NASP, 2020, Principle IV.1.2). Further, school psychologists are prohibited from engaging in discriminatory actions, including relating to gender and sexual orientation (Principle I.3).

To advance gender diverse students' academic, social, emotional, behavioral, and development potential, schools must be safe, secure, equitable, and inclusive environments for all students. There is ample evidence that an opportunity for all students to participate in sports results in positive outcomes, such as better grades, greater homework completion, higher educational and occupational aspirations, improved self-esteem, leadership development, and acquisition of social skills and problem solving (Darling et al., 2005; Fredericks & Eccles, 2006; Marsh & Kleitman, 2003; Nelson, & Gordon-Larsen, 2006; Ortega et al., 2008; U.S. Department of Health and Human Services, 2008). This legislation targets an incredibly small population of Ohio children who are both transgender and student athletes and discussion of this topic by itself has already caused harm to this vulnerable group of young people. Please consider how HB 68 would not only harm these few students but also their teammates who could be forcibly required to prove their gender by anyone who seeks to bring such a challenge.



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The National Association of School Psychologists issued a position statement that calls for inclusive participation on sports teams and other sex-segregated activities that correspond with their gender identity (NASP, 2022).

Barring outright rejection of this legislation, OSPA supports inclusion of the Ohio High School Athletic Association's policy on transgender student participation as replacement language for this bill. Just as there is variability in the performance of all student athletes, there is no credible behavioral scientific evidence that allowing students to participate in sports consistent with gender expression would harm the fairness of the sport (APA, 2023).

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

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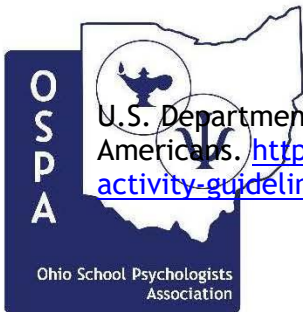
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