



OHIO EDUCATION ASSOCIATION



AS THE VOICE FOR PUBLIC SCHOOL EDUCATORS AND STUDENTS

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OHIO EDUCATION ASSOCIATION

HB 6 - Opponent Testimony

Ohio House Higher Education Committee

Scott DiMauro – President, Ohio Education Association

April 18, 2023

The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

Chair Young, Ranking Member Miller, and members of the Ohio House Higher Education Committee, thank you for the opportunity to provide opponent testimony regarding HB 6. My name is Scott DiMauro. I am a Social Studies teacher with 32 years of experience and currently serve as President of the Ohio Education Association (OEA).

HB 6 prohibits public and private higher education institutions and high schools that participate in competitions administered by organizations that regulate interscholastic and/or collegiate athletic conferences from knowingly permitting transgender females to participate on teams designated only for female participants.

The Ohio Education Association has long stood for policies that are inclusive of students, regardless of race, class, gender, or identity. The Association believes that athletics and other extracurricular programs provide an important opportunity for all students to learn, grow, and meet their full potential. Eligibility requirements must be fair and equitable for all students.

OEA recommends that state government abstain from efforts to micromanage student athletics at public and private high schools and institutions of higher education. As indicated in the bill, interscholastic and collegiate sporting events are already regulated by organizations created and designed to do so. Regulatory organizations that work closest to those most impacted (i.e. student athletes), should be given deference in cases where thoughtful and comprehensive guidance has already been provided through existing policy making processes.

HB 6 overreaches by unnecessarily using state government to overrule and micromanage the decision-making process and adopted policies of organizations established to monitor and regulate student athletics, such as the following:

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- **Ohio High School Athletic Association (OHSAA) policy:** In December 2018, the OHSAA released a policy statement regarding transgender student-athlete participation in interscholastic athletics, establishing the process by which transgender students may participate in events or competition regulated by OHSAA. Per that policy, a transgender female, whose sex at birth was male but who self-identifies and lives as a female, who is taking medically prescribed hormone treatment related to gender transition may participate on a boys' team at any time. Before a transgender female can participate in a girls' sport or on a girls' team, however, the student must either (a) have completed at least one year of hormone treatment related to gender transition or (b) demonstrate to the Executive Director's Office with sound medical evidence that the student does not possess physical or physiological advantages over genetic females of the same age group. If a transgender student-athlete is undergoing hormone treatment for gender transition, the treatment must be monitored by a physician, and the Executive Director's Office must receive regular reports about the student-athlete's eligibility according to OHSAA guidelines. Should any questions arise about whether a transgender student-athlete's request to participate in a sports activity is consistent with the student's gender identity, the student-athlete may seek review of eligibility for participation through an appeals procedure through the Gender Identity Eligibility Committee. *(Source: HB 6 LSC Analysis)*
- **National Collegiate Athletic Association (NCAA) policy:** On January 19, 2023, the NCAA updated their policy for athletic participation by transgender student-athletes. Per the *NCAA Transgender Student-Athlete Participation Policy*, the policy aligns with policies for the Olympics and calls for transgender student-athlete participation for each sport to be determined by the policy for the national governing body (NGB) of that sport. If there is no NGB policy for a sport, it would then be determined by the policy for that sport's international federation. If there is no international federation policy, it would be determined by policy criteria previously established by the International Olympic Committee. Sport-specific policies are subject to ongoing review and recommendation by the NCAA Committee on Competitive Safeguards and Medical Aspects of Sports to the Board of Governors. The policy began its three-year phase-in on August 1, 2022, and will be fully implemented on August 1, 2024. *(Source: HB 6 LSC Analysis)*

Thank you for your consideration of the concerns expressed above and the opportunity to provide testimony.