

Good afternoon Chairman Brenner and members of the committee, thank you for this opportunity to speak. My name is Michael Carney. This is my 20th year teaching biology and other science classes. I love my job and I love my students. For the last 18 years, I've been joyfully serving in a high school of a large central Ohio district. My story today is how, regardless of our assumptions or good intentions, we are failing to assure parents of their rights to know what might be happening in their children's lives at school, especially when it comes to particular concerns or changes of student's perceived identities related to sex and their well-being.

First, I want to share my experience with a female student with autism who transferred to us from a private school. Teachers quickly were calling her by a significantly different male name instead of her birth name, which was registered by her parents. I received her mid-way through the school year, but she was removed from my class due to my sincere and genuine concern for her well-being and strong desire to share this with her parents. Our school and district treated this family wrongly by intentionally withholding important information from the parents. To give you the perspective from inside a school, I will share pertinent school staff communication, initiated by me but ending in a district directive to me, declaring this (names are changed for confidentiality):

"Mike,

With regard to your question about contacting the parents of Julie, the district has consulted with legal counsel and has been advised that we, as District employees, are not permitted to contact the parent(s) of a transgender student regarding the what name the student prefers to be called in class, at school, etc., without the student's permission.

If you were planning to do so, there is no reason to contact Julie's parents since Julie is no longer a student in your class.

Please understand that I'm directing you to abide by the law. If you choose to contact her parents it will be considered insubordination."

Before this surprising District directive was sent to me, I had initiated communication with her counselor and IEP case manager. The counselor met with her and learned that her parents did not know about this new name. As I shared my concern and desire to have the school carefully share this information with parents, four teachers expressed their desire to call her the new name without parents knowing. Her IEP case manager then shared this with all of her teachers: "Please refer to her as Julie when having any conversation with parents... If you are concerned about slipping when talking to parents, please feel free to refer to her as Julie in the classroom."

I wrote one more attempt to appeal to the administration where I asked if there was applicable policy, precedent, and guidelines that can inform us & shed light on this kind of issue - about parents' right-to-know, staff responsibilities in sharing certain info to parents about their own children, and/or student privacy. An assistant principal responded: "I understand the concerns. Please table this conversation and I request that you do not email about it anymore.

Administration is in conversation with central office to ensure the proper steps to take next. As soon as I get an answer, I will let all of you know."

Unfortunately, the answer was taking this student out of my class and writing me a threatening directive not to break the law and contact parents, meanwhile Julie is being treated and is helped by school employees to socially transition without her parent's knowledge.

I believe the overdue passage of House Bill 8 will help my school and all Ohio schools avoid similar unconscionable decisions that leave parents in the dark and keeps them from fully directing the upbringing of their children.

I met with our District administration and asked him by what particular law am I directed to abide by in not contacting parents of a transgender student regarding student preferred names and pronouns. I want to read my email to him and to our school Board exposing these matters.

Now that you are our new District administration and with a new district legal team, I sought clarity about this subject of "parents' rights to know" and my teacher responsibilities. I asked you about this directive that I'm still presumably under, and you answered, "You put yourself at great personal risk if you out a kid without their permission." This is both worrisome and has put my conscience on constant high alert as I have begun this school year.

You and our HS administration have made it clear that we are to abide by the law or your interpretation of Title IX and say the name and pronouns that a student wants, even when it comes to a completely different name and pronouns than what we see as the registered name on our class roster and know to be the student's biological characteristics. And even when at times, one of these students might be suffering from gender dysphoria or some serious identity confusion, you also expect us to call home and interact with this student's parents at open house, parent-teacher conferences, and in our neighborhoods and withhold this different name(s) and/or symptoms of a possible serious condition because that might "out a kid." There is an intentional effort to keep and direct me and us teachers from sharing highly relevant student health and well-being information from parents, which, along with violating our free speech and religious liberty rights, possibly makes me and other teachers legally liable if there were a tragic case of a student for example harming him or herself or committing suicide.

I take this very seriously.

This school year so far has included some very difficult scenarios with two students of mine and communication with their parents. They are fellow community members, neighbors and friends. With all due respect, you have put me and my conscience in difficult positions where my free speech rights, sincerely-held religious convictions and conscience have been violated. In what the district and you have told me, and with what actually happens as we teachers strive to communicate and collaborate with parents and other staff, I am stuck between a legal rock and a hard place. I need help. I have spent significant time reflecting and seeking counsel on what I should do as I seem to be in legal jeopardy. The district's directives, in addition to certain possible violations of the rights of parents to know information about their children and raise them as they see fit, seem to indicate this legal predicament. All of us teachers are in this uneasy situation and job condition.

Both you and I do not know the full story of the families we serve and their relationships and interpersonal history. We also do not normally know potential "identity" declarations a student has formally and/or informally made with parents. We are also not medical professionals. Mr. Administrator, what does "outing" a kid look like? What factors do you examine and know about a child before you consider actively partnering/talking to their parents about well-being concerns for her? Teachers like me are constantly observing changes in behavior in class vs. out of class, changes in attitude, personality characteristics that change, mannerisms, work ethic, name, performance on certain tasks/tests, et cetera. We teachers need clarity about what indicators to analyze and how they might approach a threshold of legitimate concern for a child's well-being – something we all care about. And we teachers need serious training with this, including when we can share relevant information to parents as it relates to the student's well-being. Policies and practices regarding these matters might very well save or destroy lives.

For one of my students when I click on the name in our Teacher Access Center (TAC), a pop-up message informs me that "This student prefers to be called _____. Parents are not in agreement about this preferred name." TAC further warns us teachers within that same pop-up message, "Please don't use the name _____ if you call home." This whole situation puts us teachers in a "no win" ethical dilemma as we strive to build trustworthy relationships with students and families we serve... with parents who presumably have their own rights to know information about their children. This is confusing, inconsistent, and difficult in practice as a teacher of conscience who wants to do the right thing by the student, parents, and my boss.

For another female student preferring a different name and pronouns, I had a difficult situation with her parents. They live in my neighborhood. I met them earlier this year after the 4th day of school at open house as they introduced themselves as mom and dad of "Diane." This immediately made my stomach turn and put my conscience on high alert. Why? Because on the first day of school as we introduced ourselves to each other, their child awkwardly hesitated and after a short delay said a completely different name "Kevin" (opposite sex) than her registered name. Again, being compelled to use this name violates my free speech rights, conscience and sincerely-held religious beliefs. Admittedly, this situation and your directive also gives me pause in calling home as I do not want to make a mistake and lose my job (per our summer conversation and directive saying I would be at "great personal risk") if I share this information with parents. In my view, I should not be put in working conditions that create hesitancy in contacting and communicating with parents in addition to withholding valuable information from them. It is critical to partner and establish trust with our parents while we teach and care for their children in school.

The following is an excerpt from the District Administrator's troubling response, which includes no assurance of collaboration with parents:

"It seems that you may misunderstand the District's approach to supporting students that request accommodations for gender identity. Decisions are not made by a student independently and then directed by a student to our staff. Determinations are made in collaboration with school counselors and/or social workers who have spoken with the student

and assessed the student, including the student's well-being and consistency of their stated gender identity, among other things, and then determined whether accommodations are appropriate. In instances where a student approaches a trusted school employee first who is not a mental health professional, the student should be connected to a school counselor or social worker."

The District Administrator's response gives the indication that the self-ID declarations that I have experienced in my classroom are outside of school protocol. To date, I have never received a copy of or knowledge that such a plan as the superintendent explains here is or has been in place for any of my students. It may be the district's intention to create a well-documented plan to follow and support a student's new identity journey in the school environment, but this is not observable in the classroom setting. Indeed, I have even received district-approved professional development teacher training from an outside organization in which we were directed that it is inappropriate to ever question a child's stated identity – such questions would indicate "adultism" and an abuse of our position in the child's life. To say that schools, administrators, and districts as a whole have clear policies and transparent practices on this issue is misleading, to say the least. As a teacher, my experience is that these are ever-evolving and vague practices in which activists, teacher unions, and outside organizations are asserting their influence and the rights of parents are being increasingly infringed upon.

Additionally, even if the District followed this procedure, the District excludes parents from the process. The District in this communication makes clear that the District and staff take it upon themselves to determine when and if parents will be ever contacted. What my District Administrator expresses in his response to my concerns, members of this committee, is that it is the district's desire to use guidance counselors and school-employed social workers (neither of which are medical professionals) to build trust with a student and then decide whether or not to include parents in the decided plan for accommodations – which includes social transitioning for those who assume a different gender identity. The school is placing itself in an unnatural position of power, trust, and influence over children, and allows for scenarios in which its relationship with a student can take precedence over the parent's relationship with their child. Barring evidence of abuse or neglect – in which case law enforcement would most certainly be involved – there should be no situation in which a school or school-employed professional can keep secrets from a child's parents.

I urge you all to pass this bill to do the right thing by students, their parents, and for us teachers and staff so we can better care for the families we serve - with a clear conscience. Thank you. I would be happy to answer any questions you might have.