

# Ohio Chapter

INCORPORATED IN OHIO

## American Academy of Pediatrics



DEDICATED TO THE HEALTH OF ALL CHILDREN™

December 12<sup>th</sup>, 2022

The Honorable Charlotte McGuire  
President  
State Board of Education  
25 South Front Street  
Columbus, Ohio 43215

Dear President McGuire and Members of the State Board of Education,

On behalf of the nearly 3,000 members of the Ohio Chapter, American Academy of Pediatrics, I am writing today to express concerns over the proposed *Resolution to Oppose the Proposed Changes to Title IX and to Reaffirm Parental Rights and Local Control of Ohio K-12 Education* that is under review by this body. This resolution and rhetoric surrounding it are contributing to a growing trend of legislation and policy proposals that have made transgender youth and healthcare providers targets for harassment.

Reasonable citizens can disagree over the proper roles of state and federal governments as it relates to education and other matters. While we support the Biden Administration's proposed changes to Title IX unveiled in June, we also recognize that some policymakers and elected officials may feel this amounts to federal overreach. If the State Board of Education were to pass a resolution simply opposing these proposed changes on the grounds that they may extend past the authority of the U.S. Department of Education, we would have no concerns. In fact, federal lawsuits have been considered and even filed to make this case, including action by Ohio's own Attorney General. Our focus is on child health and wellness, not federalism and interpretation of state and federal law.

Unfortunately, the text of the proposed resolution under consideration includes many clauses that go beyond a legal argument to make inaccurate and hurtful statements about transgender youth. As a result, this resolution goes well beyond expressing the Board's opposition to the Biden Administration's Title IX changes and instead targets transgender youth across Ohio. This population already experiences the highest suicide rate of any group and have been the target of sustained and traumatic attacks through the legislative process in many states. No matter your view on federalism or education policy, we can all agree that our education system should be equitable and inclusive, and that no student should be the target of harassment or bullying.

The introductory clause of the resolution equates biological sex and gender identity, which is not scientifically or medically accurate. There are transgender people in Ohio and across the nation, and this arbitrary language seeks to diminish their identity. We are not denying biological sex as that is an important consideration as we provide care and guidance. Accepting that an individual's gender identity may not agree with their biological sex does not "destroy the foundational truths upon which education rests" but rather acknowledges their individual identity and grants them respect. This type of hyperbolic language is unnecessary and should be removed.

In the fourth Whereas clause, the assertion that we are denying biological reality is again restated and should also be removed. The following Whereas clause makes the claim that these proposed federal regulations violate the First Amendment rights of teachers and students; this is another extreme statement that is not grounded in reality.

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The sixth Whereas touches on the issue of transgender athletes participating in sports based upon their gender identity. Again, this clause uses inaccurate and harmful language that implies transgender girls simply transition to gain a competitive edge. The inclusion of transgender athletes in women's sports has not been shown to impact fairness or competition in Ohio. In fact, over the past decade the Ohio High School Athletic Association has only granted 15 transgender female athletes the ability to participate in women's sports. These athletes aren't winning medals, setting records, or landing scholarships. However, they are benefiting from the comradery and support that comes from being part of a team and playing a sport you love with friends.

The following Whereas clause alleges that we are forcing school districts to social transition youth without parental consent. This is another hyperbolic and extreme talking point that simply does not align with facts and reality. The care and support provided to transgender youth is highly personalized and parents are an important part of gender-affirming care. Nearly all parents who have a transgender child are pleased with the care those children receive and the outcomes they see. Finally, the eighth Whereas seems insincere; if the State Board were aware of the "pain experienced by those suffering with gender dysphoria" then they would not be considering such harmful resolution text. Lastly, by instructing the Superintendent of Public Instruction to distribute this resolution and the specified cover letter only seeks to cause confusion among Ohio school districts. Any communication regarding changes to federal rules should be postponed until such time as all legal challenges are resolved and the rules are in effect. This would ensure school leaders, teachers, parents and students do not receive conflicting reports or instructions regarding their rights and responsibilities under Title IX.

Nearly all parents, students and Ohio citizens want a fair and inclusive education system in our state; further, they do not want transgender students to face discrimination or harassment. Parents of these children want schools to use their child's preferred pronouns and to allow them to participate in school activities with their preferred gender group. Accommodating transgender children does not come at the expense of others. Schools should be respectful of parental wishes and prioritize the needs of transgender students. I would also add that we find it ironic that the resolution says "...decisions regarding the appropriate course of action for minor students experiencing symptoms of gender dysphoria rightfully belong in the hands of parents rather than the state;" given that proponents of this resolution also support House Bill 454, which would infringe upon parental rights to direct the care of their children.

In closing, it is my hope that you will either heavily amend this resolution or simply reject it as unnecessary and harmful. Thank you for your time and consideration.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Wervey Arnold".

Melissa Wervey Arnold  
Chief Executive Officer  
Ohio Chapter, American Academy of Pediatrics

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