

Ohio House Bill 8 - Parents' Bill of Rights

The Paulding Exempted Village School District fully complies with the Parents' Bill of Rights and all components of House Bill 8. Parents are always welcome to read any Board Policy, which can be found on our Website under **Board of Education / Bylaws and Board Policies**.

Among other items, the Parents' Bill of Rights requires districts to have policy with

- provisions related to sexuality content
 - specifically to ensure that any sexuality content is age appropriate and developmentally appropriate for the age of the student receiving the instruction
- provisions to allow parental review of instructional materials that includes sexuality content prior to providing such instruction.
- provisions related to notifying parents of substantial changes in student services or monitoring
- provisions for excusing a student from instruction that includes sexuality content and to develop alternative assignments.
- provision prohibiting encouraging children to withhold information from parents
- provisions requiring authorization from parents for health care of students
 - exceptions for emergency situations, first aid, other unanticipated minor health care services, or services pursuant to a student's IEP or a school district's obligation under section 504.
- provisions allowing parents to file "written concerns" on any above topics

Age-Appropriate Sexuality Content

The Board's adopted policy shall require the district to:

- Ensure that any sexuality content is age-appropriate and developmentally appropriate for the age of the student receiving the instruction (applies to all students of any age and grade level)
 - Provide parents with the opportunity to review any instructional material that includes sexuality content **prior to** providing instruction that includes sexuality content or permitting a third party to provide such instruction.
 - Excuse a student from instruction that includes sexuality content and permit the student to participate in an alternative assignment, upon request of the student's parent.
- Definitions**
- "Age-appropriate" and "developmentally appropriate" content refers to activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be

developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group.

- “Sexuality content” means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting.

“Sexuality content” does not mean any of the following:

- Instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education provided under division (A)(5) of section 3313.60 or section 3314.0310 or 3326.091 of the Revised Code;
- Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Revised Code;
- Incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.

NOTE: No school district or third party acting on behalf of a district shall provide instruction that includes sexuality content to students in grades *kindergarten through three*.

Parental Notification

The policy shall:

- Require the district to promptly notify a student’s parent of any substantial change in the student’s services, including counseling services, or monitoring related to the student’s mental, emotional, or physical health or well-being or the school’s ability to provide a safe and supportive learning environment for the student.
- Specify in what manner a student’s parent will be notified of any substantial change in the student’s services.
- Specify that notice to parents shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children.
- Specify that the school district shall not inhibit parental access to the student’s education and health records maintained by the school.
- Require the district to prohibit school district personnel from directly or indirectly encouraging a student to withhold from a parent information

concerning the student's mental, emotional, or physical health or well-being, or a change in related services or monitoring.

- Prohibit school district personnel from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

Definitions

- "Student's mental, emotional, or physical health or well-being" includes, at a minimum, any of the following:
 - A student's academic performance;
 - Any significant sickness or physical injury, or any psychological trauma suffered by a student;
 - Any harassment, intimidation, or bullying, as defined in section 3313.666 of the Revised Code, by or against a student in violation of school district policy;
 - Any request by a student to identify as a gender that does not align with the student's biological sex;
 - Exhibition of suicidal ideation or persistent symptoms of depression, or severe anxiety, or other mental health issues.
- "Biological sex" means 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.
- Note: "Substantial change" and "student services" are not defined.

Parental Authorization of Health Care Service

- The policy shall require the district to:
- Adopt a procedure to obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral health care services. Under the procedure, a parent may choose whether to authorize a district to provide a health care service to the parent's child.
- Notify parents, at the beginning of the school year, of each health care service offered at, or facilitated in cooperation with, their student's school and their option to withhold consent or decline any specified service.
- Notify parents, prior to providing a health care service to a student, whether the service is required to be provided by the school district under state law and if other options for a student to access the service exist. This requirement may be satisfied by an annual notice to parents at the beginning of the school year.

NOTE: This section does not apply to emergency situations, first aid, other unanticipated minor health care services, or health care services provided

pursuant to a student's IEP or a school district's obligation under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794.

Written Concern

- The policy shall:
- Require the district to permit a parent to file with a school principal or assistant principal a written concern regarding a topic addressed in this section.
- Establish a process for a principal or assistant principal to resolve such concerns within thirty days after their receipt.
- Require the district to notify parents of their right to file a written concern.
- Note: A parent may appeal a principal's or assistant principal's decision to the superintendent of that district.
- If a parent appeals the principal's or assistant principal's decision, the superintendent, or a designee of the superintendent, shall conduct a hearing on the decision.
- Based on the findings of that hearing, the superintendent shall decide whether to affirm the principal's or assistant principal's decision. If the superintendent does not affirm the decision, the superintendent shall determine a resolution to the parent's concern.
- A parent may appeal the superintendent's decision to the board of education of the school district.
- The board shall review the superintendent's decision and, if the board determines it necessary, hold a hearing on the decision and, based on that hearing, either affirm the superintendent's decision or determine a new resolution to the parent's concern.
- Nothing in this section shall prevent a parent from contacting a member of a board of education regarding the parent's concerns with the operation of a school under the supervision of that board.

Additional Notes:

- This law does not prescribe all rights of parents or preempt or foreclose claims or remedies in support of parental rights that are available under the constitution, statutes, or common law of this state.
- The law shall not require disclosure or activity that is in conflict with or in violation of any of the following:
 - The HIPAA privacy rule;
 - Chapter 3798. of the Revised Code (Protected Health Information);

- Section 2317.02 (Privileged Communications), 4732.19 (Psychologist-client Privilege), or 5122.04 (Outpatient Services for Minors without Knowledge or Consent of Parent) of the Revised Code;
 - The “Family Educational Rights and Privacy Act of 1974,” 20 U.S.C. 1232g;
 - Ohio Constitution, Article I, Section 10a and any laws enacted to implement that section, including sections 2930.07 and 2930.10 of the Revised Code.
- Nothing in this law requires disclosure or activity in violation of any court order, including any of the following:
 - A condition of bond;
 - A protection order or consent agreement issued pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Revised Code;
 - A condition of a community control sanction, post-release control sanction, or parole.
- Nothing in this law requires disclosure or activity in violation of a specific request for nondisclosure made pursuant to a criminal investigation or grand jury subpoena in which the student is the victim and a parent is the alleged perpetrator.
- Nothing in this law prohibits or prevents mandatory reporting under section 2151.421 of the Revised Code.
- Nothing in this law prohibits or limits the career and academic mentoring and counseling between teachers and students in the regular course of the school day.

Ultimately, if you ever wish to inspect any instructional material, this new law really doesn't change anything for us here in Paulding. You have always had the right to review materials and if you object to any instructional materials, you have the right to request alternate activities or alternate educational materials.

Don't hesitate to contact me if you have any questions or concerns. Thank you for your support of Paulding Schools! Go Panthers!

Chris Etzler

Superintendent