

As Reported by the House Primary and Secondary Education Committee

135th General Assembly

Regular Session

2023-2024

Am. H. B. No. 8

Representatives Swearingen, Carruthers

Cosponsors: Representatives Bird, Fowler Arthur, Click, Jones, Lear, Williams

A BILL

To amend sections 3314.03 and 3326.11 and to enact
section 3313.473 of the Revised Code to enact
the "Parents' Bill of Rights" to require public
schools to adopt a policy on parental
notification on student health and well-being
and instructional materials with sexuality
content.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3314.03 and 3326.11 be amended
and section 3313.473 of the Revised Code be enacted to read as
follows:

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Sec. 3313.473. (A) The general assembly maintains that a
parent has a fundamental right to make decisions concerning the
upbringing, education, and care of the parent's child.

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(B) The board of education of each city, local, exempted
village, and joint vocational school district shall develop and
adopt a policy to promote parental involvement in the public
school system. The policy shall require a school district to do
all of the following:

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(1) (a) Ensure that any sexuality content is age- 19
appropriate and developmentally appropriate. 20

(b) Prior to providing instruction that includes sexuality 21
content, disclose to parents any instructional material that 22
includes sexuality content. Upon request of the student's 23
parent, a student shall be excused from instruction that 24
includes sexuality content and be permitted to take an 25
alternative class. 26

(2) Notify a student's parent of any change in the 27
student's services, including counseling services, or monitoring 28
related to the student's mental, emotional, or physical health 29
or well-being or the school's ability to provide a safe and 30
supportive learning environment for the student. 31

The policy shall specify that notice to parents shall 32
reinforce the fundamental right of parents to make decisions 33
regarding the upbringing and control of their children, and that 34
the school district shall not inhibit parental access to the 35
student's education and health records maintained by the school. 36

(3) Prohibit school district personnel from directly or 37
indirectly encouraging a student to withhold from a parent 38
information concerning the student's mental, emotional, or 39
physical health or well-being, or a change in related services 40
or monitoring. 41

The policy shall prohibit school district personnel from 42
discouraging or prohibiting parental notification of and 43
involvement in critical decisions affecting a student's mental, 44
emotional, or physical health or well-being. 45

Nothing in this section shall be construed to prohibit 46
teachers from reporting unlawful abuse or neglect. 47

(4) At the beginning of the school year, notify parents of 48
each health care service offered at their student's school and 49
their option to withhold consent or decline any specified 50
service. Parental consent to health care services does not waive 51
the parent's right to access the parent's student's educational 52
or health records or to be notified about a change in the 53
student's services or monitoring as provided in this section. 54

(5) Permit a parent to file with the school district a 55
written concern regarding a topic addressed in this section. The 56
policy shall establish a process to resolve such concerns within 57
thirty days after their receipt. Under the policy, school 58
districts shall notify parents of their right to file a written 59
concern. A parent may appeal a district's decision to the board 60
of education of that district. 61

If a school district does not resolve a parent's written 62
concern within thirty days, the parent may request a hearing 63
before the board of education of the school district. The board 64
shall hold a hearing for any request received from a parent 65
under this section and shall make a determination regarding the 66
parent's concern. 67

(C) This section does not prescribe all rights of parents 68
or preempt or foreclose claims or remedies in support of 69
parental rights that are available under the constitution, 70
statutes, or common law of this state. 71

(D) As used in this section: 72

(1) "Biological sex" means the biological indication of 73
male and female, including sex chromosomes, naturally occurring 74
sex hormones, gonads, and unambiguous internal and external 75
genitalia present at birth, without regard to an individual's 76

<u>psychological, chosen, or subjective experience of gender.</u>	77
<u>(2) "Parent" has the same meaning as in section 3313.98 of</u>	78
<u>the Revised Code.</u>	79
<u>(3) "Sexuality content" means any oral or written</u>	80
<u>instruction, presentation, image, or description of sexual</u>	81
<u>concepts or gender ideology.</u>	82
<u>"Sexuality content" does not mean instruction or</u>	83
<u>presentations in venereal disease education, child sexual abuse</u>	84
<u>prevention, and sexual violence prevention education provided</u>	85
<u>under division (A)(5) of section 3313.60 of the Revised Code or</u>	86
<u>instruction or presentations in venereal disease education</u>	87
<u>emphasizing abstinence provided under section 3313.6011 of the</u>	88
<u>Revised Code.</u>	89
<u>(4) "Student's mental, emotional, or physical health or</u>	90
<u>well-being" includes any of the following:</u>	91
<u>(a) A student's academic performance;</u>	92
<u>(b) Any sickness, physical injury, or psychological trauma</u>	93
<u>suffered by a student;</u>	94
<u>(c) Any pattern of bullying or harassment by or against a</u>	95
<u>student in violation of school district policy;</u>	96
<u>(d) Any request by a student to identify as a gender that</u>	97
<u>does not align with the student's biological sex;</u>	98
<u>(e) Exhibition of suicidal ideation or persistent symptoms</u>	99
<u>of depression, severe anxiety, or other mental health issues.</u>	100
Sec. 3314.03. A copy of every contract entered into under	101
this section shall be filed with the superintendent of public	102
instruction. The department of education shall make available on	103

its web site a copy of every approved, executed contract filed 104
with the superintendent under this section. 105

(A) Each contract entered into between a sponsor and the 106
governing authority of a community school shall specify the 107
following: 108

(1) That the school shall be established as either of the 109
following: 110

(a) A nonprofit corporation established under Chapter 111
1702. of the Revised Code, if established prior to April 8, 112
2003; 113

(b) A public benefit corporation established under Chapter 114
1702. of the Revised Code, if established after April 8, 2003. 115

(2) The education program of the school, including the 116
school's mission, the characteristics of the students the school 117
is expected to attract, the ages and grades of students, and the 118
focus of the curriculum; 119

(3) The academic goals to be achieved and the method of 120
measurement that will be used to determine progress toward those 121
goals, which shall include the statewide achievement 122
assessments; 123

(4) Performance standards, including but not limited to 124
all applicable report card measures set forth in section 3302.03 125
or 3314.017 of the Revised Code, by which the success of the 126
school will be evaluated by the sponsor; 127

(5) The admission standards of section 3314.06 of the 128
Revised Code and, if applicable, section 3314.061 of the Revised 129
Code; 130

(6) (a) Dismissal procedures; 131

(b) A requirement that the governing authority adopt an 132
attendance policy that includes a procedure for automatically 133
withdrawing a student from the school if the student without a 134
legitimate excuse fails to participate in seventy-two 135
consecutive hours of the learning opportunities offered to the 136
student. 137

(7) The ways by which the school will achieve racial and 138
ethnic balance reflective of the community it serves; 139

(8) Requirements for financial audits by the auditor of 140
state. The contract shall require financial records of the 141
school to be maintained in the same manner as are financial 142
records of school districts, pursuant to rules of the auditor of 143
state. Audits shall be conducted in accordance with section 144
117.10 of the Revised Code. 145

(9) An addendum to the contract outlining the facilities 146
to be used that contains at least the following information: 147

(a) A detailed description of each facility used for 148
instructional purposes; 149

(b) The annual costs associated with leasing each facility 150
that are paid by or on behalf of the school; 151

(c) The annual mortgage principal and interest payments 152
that are paid by the school; 153

(d) The name of the lender or landlord, identified as 154
such, and the lender's or landlord's relationship to the 155
operator, if any. 156

(10) Qualifications of teachers, including a requirement 157
that the school's classroom teachers be licensed in accordance 158
with sections 3319.22 to 3319.31 of the Revised Code, except 159

that a community school may engage noncertificated persons to 160
teach up to twelve hours or forty hours per week pursuant to 161
section 3319.301 of the Revised Code. 162

(11) That the school will comply with the following 163
requirements: 164

(a) The school will provide learning opportunities to a 165
minimum of twenty-five students for a minimum of nine hundred 166
twenty hours per school year. 167

(b) The governing authority will purchase liability 168
insurance, or otherwise provide for the potential liability of 169
the school. 170

(c) The school will be nonsectarian in its programs, 171
admission policies, employment practices, and all other 172
operations, and will not be operated by a sectarian school or 173
religious institution. 174

(d) The school will comply with sections 9.90, 9.91, 175
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 176
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 177
3313.472, 3313.473, 3313.50, 3313.539, 3313.5310, 3313.608, 178
3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 179
3313.6024, 3313.6025, 3313.6026, 3313.643, 3313.648, 3313.6411, 180
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 181
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 182
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 183
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 184
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 185
3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 186
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 187
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 188

3327.10, 4111.17, 4113.52, 5502.262, 5502.703, and 5705.391 and 189
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 190
and 4167. of the Revised Code as if it were a school district 191
and will comply with section 3301.0714 of the Revised Code in 192
the manner specified in section 3314.17 of the Revised Code. 193

(e) The school shall comply with Chapter 102. and section 194
2921.42 of the Revised Code. 195

(f) The school will comply with sections 3313.61, 196
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 197
Revised Code, except that for students who enter ninth grade for 198
the first time before July 1, 2010, the requirement in sections 199
3313.61 and 3313.611 of the Revised Code that a person must 200
successfully complete the curriculum in any high school prior to 201
receiving a high school diploma may be met by completing the 202
curriculum adopted by the governing authority of the community 203
school rather than the curriculum specified in Title XXXIII of 204
the Revised Code or any rules of the state board of education. 205
Beginning with students who enter ninth grade for the first time 206
on or after July 1, 2010, the requirement in sections 3313.61 207
and 3313.611 of the Revised Code that a person must successfully 208
complete the curriculum of a high school prior to receiving a 209
high school diploma shall be met by completing the requirements 210
prescribed in section 3313.6027 and division (C) of section 211
3313.603 of the Revised Code, unless the person qualifies under 212
division (D) or (F) of that section. Each school shall comply 213
with the plan for awarding high school credit based on 214
demonstration of subject area competency, and beginning with the 215
2017-2018 school year, with the updated plan that permits 216
students enrolled in seventh and eighth grade to meet curriculum 217
requirements based on subject area competency adopted by the 218
state board of education under divisions (J) (1) and (2) of 219

section 3313.603 of the Revised Code. Beginning with the 2018- 220
2019 school year, the school shall comply with the framework for 221
granting units of high school credit to students who demonstrate 222
subject area competency through work-based learning experiences, 223
internships, or cooperative education developed by the 224
department under division (J) (3) of section 3313.603 of the 225
Revised Code. 226

(g) The school governing authority will submit within four 227
months after the end of each school year a report of its 228
activities and progress in meeting the goals and standards of 229
divisions (A) (3) and (4) of this section and its financial 230
status to the sponsor and the parents of all students enrolled 231
in the school. 232

(h) The school, unless it is an internet- or computer- 233
based community school, will comply with section 3313.801 of the 234
Revised Code as if it were a school district. 235

(i) If the school is the recipient of moneys from a grant 236
awarded under the federal race to the top program, Division (A), 237
Title XIV, Sections 14005 and 14006 of the "American Recovery 238
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 239
the school will pay teachers based upon performance in 240
accordance with section 3317.141 and will comply with section 241
3319.111 of the Revised Code as if it were a school district. 242

(j) If the school operates a preschool program that is 243
licensed by the department of education under sections 3301.52 244
to 3301.59 of the Revised Code, the school shall comply with 245
sections 3301.50 to 3301.59 of the Revised Code and the minimum 246
standards for preschool programs prescribed in rules adopted by 247
the state board under section 3301.53 of the Revised Code. 248

(k) The school will comply with sections 3313.6021 and 249
3313.6023 of the Revised Code as if it were a school district 250
unless it is either of the following: 251

(i) An internet- or computer-based community school; 252

(ii) A community school in which a majority of the 253
enrolled students are children with disabilities as described in 254
division (A) (4) (b) of section 3314.35 of the Revised Code. 255

(l) The school will comply with section 3321.191 of the 256
Revised Code, unless it is an internet- or computer-based 257
community school that is subject to section 3314.261 of the 258
Revised Code. 259

(12) Arrangements for providing health and other benefits 260
to employees; 261

(13) The length of the contract, which shall begin at the 262
beginning of an academic year. No contract shall exceed five 263
years unless such contract has been renewed pursuant to division 264
(E) of this section. 265

(14) The governing authority of the school, which shall be 266
responsible for carrying out the provisions of the contract; 267

(15) A financial plan detailing an estimated school budget 268
for each year of the period of the contract and specifying the 269
total estimated per pupil expenditure amount for each such year. 270

(16) Requirements and procedures regarding the disposition 271
of employees of the school in the event the contract is 272
terminated or not renewed pursuant to section 3314.07 of the 273
Revised Code; 274

(17) Whether the school is to be created by converting all 275
or part of an existing public school or educational service 276

center building or is to be a new start-up school, and if it is 277
a converted public school or service center building, 278
specification of any duties or responsibilities of an employer 279
that the board of education or service center governing board 280
that operated the school or building before conversion is 281
delegating to the governing authority of the community school 282
with respect to all or any specified group of employees provided 283
the delegation is not prohibited by a collective bargaining 284
agreement applicable to such employees; 285

(18) Provisions establishing procedures for resolving 286
disputes or differences of opinion between the sponsor and the 287
governing authority of the community school; 288

(19) A provision requiring the governing authority to 289
adopt a policy regarding the admission of students who reside 290
outside the district in which the school is located. That policy 291
shall comply with the admissions procedures specified in 292
sections 3314.06 and 3314.061 of the Revised Code and, at the 293
sole discretion of the authority, shall do one of the following: 294

(a) Prohibit the enrollment of students who reside outside 295
the district in which the school is located; 296

(b) Permit the enrollment of students who reside in 297
districts adjacent to the district in which the school is 298
located; 299

(c) Permit the enrollment of students who reside in any 300
other district in the state. 301

(20) A provision recognizing the authority of the 302
department of education to take over the sponsorship of the 303
school in accordance with the provisions of division (C) of 304
section 3314.015 of the Revised Code; 305

(21) A provision recognizing the sponsor's authority to 306
assume the operation of a school under the conditions specified 307
in division (B) of section 3314.073 of the Revised Code; 308

(22) A provision recognizing both of the following: 309

(a) The authority of public health and safety officials to 310
inspect the facilities of the school and to order the facilities 311
closed if those officials find that the facilities are not in 312
compliance with health and safety laws and regulations; 313

(b) The authority of the department of education as the 314
community school oversight body to suspend the operation of the 315
school under section 3314.072 of the Revised Code if the 316
department has evidence of conditions or violations of law at 317
the school that pose an imminent danger to the health and safety 318
of the school's students and employees and the sponsor refuses 319
to take such action. 320

(23) A description of the learning opportunities that will 321
be offered to students including both classroom-based and non- 322
classroom-based learning opportunities that is in compliance 323
with criteria for student participation established by the 324
department under division (H) (2) of section 3314.08 of the 325
Revised Code; 326

(24) The school will comply with sections 3302.04 and 327
3302.041 of the Revised Code, except that any action required to 328
be taken by a school district pursuant to those sections shall 329
be taken by the sponsor of the school. However, the sponsor 330
shall not be required to take any action described in division 331
(F) of section 3302.04 of the Revised Code. 332

(25) Beginning in the 2006-2007 school year, the school 333
will open for operation not later than the thirtieth day of 334

September each school year, unless the mission of the school as 335
specified under division (A) (2) of this section is solely to 336
serve dropouts. In its initial year of operation, if the school 337
fails to open by the thirtieth day of September, or within one 338
year after the adoption of the contract pursuant to division (D) 339
of section 3314.02 of the Revised Code if the mission of the 340
school is solely to serve dropouts, the contract shall be void. 341

(26) Whether the school's governing authority is planning 342
to seek designation for the school as a STEM school equivalent 343
under section 3326.032 of the Revised Code; 344

(27) That the school's attendance and participation 345
policies will be available for public inspection; 346

(28) That the school's attendance and participation 347
records shall be made available to the department of education, 348
auditor of state, and school's sponsor to the extent permitted 349
under and in accordance with the "Family Educational Rights and 350
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 351
and any regulations promulgated under that act, and section 352
3319.321 of the Revised Code; 353

(29) If a school operates using the blended learning 354
model, as defined in section 3301.079 of the Revised Code, all 355
of the following information: 356

(a) An indication of what blended learning model or models 357
will be used; 358

(b) A description of how student instructional needs will 359
be determined and documented; 360

(c) The method to be used for determining competency, 361
granting credit, and promoting students to a higher grade level; 362

(d) The school's attendance requirements, including how 363
the school will document participation in learning 364
opportunities; 365

(e) A statement describing how student progress will be 366
monitored; 367

(f) A statement describing how private student data will 368
be protected; 369

(g) A description of the professional development 370
activities that will be offered to teachers. 371

(30) A provision requiring that all moneys the school's 372
operator loans to the school, including facilities loans or cash 373
flow assistance, must be accounted for, documented, and bear 374
interest at a fair market rate; 375

(31) A provision requiring that, if the governing 376
authority contracts with an attorney, accountant, or entity 377
specializing in audits, the attorney, accountant, or entity 378
shall be independent from the operator with which the school has 379
contracted. 380

(32) A provision requiring the governing authority to 381
adopt an enrollment and attendance policy that requires a 382
student's parent to notify the community school in which the 383
student is enrolled when there is a change in the location of 384
the parent's or student's primary residence. 385

(33) A provision requiring the governing authority to 386
adopt a student residence and address verification policy for 387
students enrolling in or attending the school. 388

(B) The community school shall also submit to the sponsor 389
a comprehensive plan for the school. The plan shall specify the 390

following: 391

(1) The process by which the governing authority of the 392
school will be selected in the future; 393

(2) The management and administration of the school; 394

(3) If the community school is a currently existing public 395
school or educational service center building, alternative 396
arrangements for current public school students who choose not 397
to attend the converted school and for teachers who choose not 398
to teach in the school or building after conversion; 399

(4) The instructional program and educational philosophy 400
of the school; 401

(5) Internal financial controls. 402

When submitting the plan under this division, the school 403
shall also submit copies of all policies and procedures 404
regarding internal financial controls adopted by the governing 405
authority of the school. 406

(C) A contract entered into under section 3314.02 of the 407
Revised Code between a sponsor and the governing authority of a 408
community school may provide for the community school governing 409
authority to make payments to the sponsor, which is hereby 410
authorized to receive such payments as set forth in the contract 411
between the governing authority and the sponsor. The total 412
amount of such payments for monitoring, oversight, and technical 413
assistance of the school shall not exceed three per cent of the 414
total amount of payments for operating expenses that the school 415
receives from the state. 416

(D) The contract shall specify the duties of the sponsor 417
which shall be in accordance with the written agreement entered 418

into with the department of education under division (B) of 419
section 3314.015 of the Revised Code and shall include the 420
following: 421

(1) Monitor the community school's compliance with all 422
laws applicable to the school and with the terms of the 423
contract; 424

(2) Monitor and evaluate the academic and fiscal 425
performance and the organization and operation of the community 426
school on at least an annual basis; 427

(3) Report on an annual basis the results of the 428
evaluation conducted under division (D) (2) of this section to 429
the department of education and to the parents of students 430
enrolled in the community school; 431

(4) Provide technical assistance to the community school 432
in complying with laws applicable to the school and terms of the 433
contract; 434

(5) Take steps to intervene in the school's operation to 435
correct problems in the school's overall performance, declare 436
the school to be on probationary status pursuant to section 437
3314.073 of the Revised Code, suspend the operation of the 438
school pursuant to section 3314.072 of the Revised Code, or 439
terminate the contract of the school pursuant to section 3314.07 440
of the Revised Code as determined necessary by the sponsor; 441

(6) Have in place a plan of action to be undertaken in the 442
event the community school experiences financial difficulties or 443
closes prior to the end of a school year. 444

(E) Upon the expiration of a contract entered into under 445
this section, the sponsor of a community school may, with the 446
approval of the governing authority of the school, renew that 447

contract for a period of time determined by the sponsor, but not 448
ending earlier than the end of any school year, if the sponsor 449
finds that the school's compliance with applicable laws and 450
terms of the contract and the school's progress in meeting the 451
academic goals prescribed in the contract have been 452
satisfactory. Any contract that is renewed under this division 453
remains subject to the provisions of sections 3314.07, 3314.072, 454
and 3314.073 of the Revised Code. 455

(F) If a community school fails to open for operation 456
within one year after the contract entered into under this 457
section is adopted pursuant to division (D) of section 3314.02 458
of the Revised Code or permanently closes prior to the 459
expiration of the contract, the contract shall be void and the 460
school shall not enter into a contract with any other sponsor. A 461
school shall not be considered permanently closed because the 462
operations of the school have been suspended pursuant to section 463
3314.072 of the Revised Code. 464

Sec. 3326.11. Each science, technology, engineering, and 465
mathematics school established under this chapter and its 466
governing body shall comply with sections 9.90, 9.91, 109.65, 467
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 468
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 469
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 470
3313.473, 3313.48, 3313.481, 3313.482, 3313.50, 3313.539, 471
3313.5310, 3313.608, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 472
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3321.18, 3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 484
5502.262, 5502.703, and 5705.391 and Chapters 102., 117., 1347., 485
2744., 3307., 3309., 3365., 3742., 4112., 4123., 4141., and 486
4167. of the Revised Code as if it were a school district. 487

Section 2. That existing sections 3314.03 and 3326.11 of 488
the Revised Code are hereby repealed. 489

Section 3. This act shall be known as the Parents' Bill of 490
Rights. 491