

Parents Bill of Rights Policy

Required Actions by the School

The School shall:

(1)

(a) Ensure that any sexuality content taught in the School is age-appropriate and developmentally appropriate for the age of the student receiving the instruction, regardless of the age or grade level of the student.

(b) Prior to providing instruction that includes sexuality content or permitting a third party to provide such instruction on behalf of the School, provide parents the opportunity to review any instructional material that includes sexuality content. Upon request of the student's parent, a student shall be excused from instruction that includes sexuality content and be permitted to participate in an alternative assignment.

(2) Promptly notify in writing 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. Such notification shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the School shall not inhibit parental access to the student's education and health records maintained by the school.

(3) Prohibit School 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. School personnel are prohibited from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

(4) Except for emergencies situations, obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral health care services. A parent may choose whether to authorize the School to provide a health care service to the parent's child.

(a) At the beginning of the school year, the School shall notify parents of each health care service offered at, or facilitated in cooperation with, the School and the parent's option to withhold consent or decline any specified service. Parental consent to health care services shall not waive the parent's right to access the parent's student's educational or health records or to be notified about a change in the student's services or monitoring as provided in this section.

- (b) Except for emergency situations, prior to providing a health care service to a student, the School shall notify a parent whether the service is required to be provided by the School 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. Prior notice is not required in emergency situations, first aid, other unanticipated minor health care services, or health care services provided pursuant to a student's IEP or the School's obligations under section 504 of the "Rehabilitation Act of 1973," 29 U.S.C. 794.

(5) Permit a parent to file with a School principal or assistant principal a written concern regarding a sexuality content topic. The principal or assistant principal shall work to resolve such concerns within thirty (30) days after receipt of a written concern. The School shall notify parents of their right to file a written concern. A parent may appeal a principal's or assistant principal's decision to the School superintendent. 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 School's Board of Directors. 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.

Non-Disclosure

- (1) Nothing in this policy shall require disclosure or activity that is in conflict with or in violation of any of the following: (a) The HIPAA privacy rule; (b) Chapter 3798. of the Ohio Revised Code; (c) Section 2317.02, 4732.19, or 5122.04 of the Ohio Revised Code; (d) The "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g; (e) Ohio Constitution, Article I, Section 10a and any laws enacted to implement that section, including sections 2930.07 and 2930.10 of the Ohio Revised Code.
- (2) Nothing in this policy requires disclosure or activity in violation of any court order, including any of the following: (a) A condition of bond; (b) A protection order or consent agreement issued pursuant to section 2151.34, 2903.213, 2903.214, 2919.26, or 3113.31 of the Ohio Revised Code; (c) A condition of a community control sanction, post-release control sanction, or parole.
- (3) Nothing in this policy 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.
- (4) Nothing in this policy prohibits or prevents mandatory reporting under section 2151.421 of the Ohio Revised Code.
- (5) Nothing in this section prohibits or limits the career and academic mentoring and counseling between teachers and students in the regular course of the school day.

Definitions

As used in this policy the following terms are defined as:

- (1) "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.
- (2) "HIPAA privacy rule" has the same meaning as in section 3798.01 of the Ohio Revised Code.
- (3) "IEP" has the same meaning as in section 3323.01 of the Ohio Revised Code. (4) "Parent" has the same meaning as in section 3313.98 of the Ohio Revised Code. (5) "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:
 - (a) 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 Ohio Revised Code
 - (b) Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Ohio Revised Code
 - (c) 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
- (6) "Student's mental, emotional, or physical health or well-being" includes, at a minimum, any of the following:
 - (a) A student's academic performance
 - (b) Any significant sickness or physical injury, or any psychological trauma suffered by a student
 - (c) Any harassment, intimidation, or bullying, as defined in section 3313.666 of the Ohio Revised Code, by or against a student in violation of School policy
 - (d) Any request by a student to identify as a gender that does not align with the student's biological sex
 - (e) Exhibition of suicidal ideation or persistent symptoms of depression, or severe anxiety, or other mental health issue
- (7) "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.

General

This policy 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 School shall not provide instruction that includes sexuality content to students in grades kindergarten through three.

Public Availability

The School shall make this policy publicly available and post it prominently on its publicly accessible web site, if it has one.

Ohio Revised Code 3313.473.