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# OHIO LEGISLATIVE SERVICE COMMISSION

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Office

**H.B. 8**  
**135<sup>th</sup> General Assembly**

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Swearingen and Carruthers

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### SUMMARY

- Requires public schools to:
  - Provide parents with a notice about sexually explicit instructional materials, an opportunity to review them, and an opportunity to request alternative instruction;
  - Notify parents about school-provided healthcare services and work with them to create a healthcare plan for their children;
  - Notify parents about changes to the health services provided to their children by their school or the school's ability to provide a safe learning environment;
  - Prohibit school personnel from encouraging a student to withhold from a parent information concerning the student's health or well-being, unless that disclosure would result in abuse, abandonment, or neglect; and
  - Establish a process under which the district or school must resolve written concerns submitted by parents about topics addressed in the bill.
- Entitles the bill the "Parents' Bill of Rights."

### DETAILED ANALYSIS

#### Policy of parental involvement

The bill requires public schools (school districts, community schools, and STEM schools) to develop and adopt a policy that promotes parental involvement in the public school system.<sup>1</sup> The policy must require a public school to:

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<sup>1</sup> R.C. 3313.473. The provision applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

1. Notify parents prior to instruction that involves materials consisting of sexually explicit content. In notifying the parents, the public school must specifically identify the instructional material and sexually explicit subjects.<sup>2</sup>
2. Allow parents to review sexually explicit instructional materials and request alternative instruction that does not include sexually explicit content.<sup>3</sup>
3. Notify parents about changes to the mental, emotional, or physical health or well-being services provided to their children or the public school's ability to provide a safe learning environment. The notice must reinforce the parents' right to make decisions regarding the upbringing and control of their children and note the school will not limit their access to the school's student education and health records.<sup>4</sup>
4. Prohibit school personnel from encouraging a student to withhold from a parent information about the student's mental, emotional, or physical health or well-being or services related to the student's health. Despite this general prohibition, if a reasonably prudent person would believe such a disclosure would result in a parent abusing, abandoning, or neglecting the student, school personnel may withhold a student's health information from that parent. This belief may not be based on the parent's religious or political beliefs.<sup>5</sup>
5. Notify parents at the start of each school year of the healthcare services offered by the public school and create a parent-approved healthcare plan for each student.<sup>6</sup>
6. Permit parents to file with the school written concerns related to topics addressed in this bill, notify parents of this permission, and establish a process to resolve the concern within 30 days of its receipt.<sup>7</sup>

The bill defines "sexually explicit content" as "any description of or any picture, photograph, drawing, motion picture film, digital image, or similar visual representation depicting sexual conduct."<sup>8</sup>

## Background

Current law affords parents the right to receive notice, review, and opt their student out of instruction on certain subject areas. School districts that offer instruction in venereal disease that goes beyond certain prescribed criteria, for example, are required to notify all parents of

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<sup>2</sup> R.C. 3313.473(A)(1)(a).

<sup>3</sup> R.C. 3313.473(A)(1)(b).

<sup>4</sup> R.C. 3313.473(A)(2).

<sup>5</sup> R.C. 3313.473(A)(3).

<sup>6</sup> R.C. 3313.473(A)(4).

<sup>7</sup> R.C. 3313.473(A)(5).

<sup>8</sup> R.C. 3313.473(B)(2).

that instruction, including notification of the names of the instructor, vendor, or curriculum used. Upon the request of a student’s parent, school districts are required to provide the parent any materials associated with the instruction of venereal disease or other sexual education in that student’s school.<sup>9</sup> Additionally, school districts must establish a parental advisory committee or some other strategy to enable parental review of instructional materials and academic curricula.<sup>10</sup> Current law also requires a school district to excuse a student from instruction in venereal disease education, personal safety and assault prevention, and other subjects upon the parent’s request.<sup>11</sup>

Finally, the law requires public schools to establish policies on parental involvement in schools that allow parents to be actively involved in their children’s education and maintain “consistent and effective” communication between parents and their children’s schools.<sup>12</sup>

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## HISTORY

Action	Date
Introduced	02-15-23

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<sup>9</sup> R.C. 3313.6011(C), not in the bill.

<sup>10</sup> R.C. 3313.212, not in the bill.

<sup>11</sup> R.C. 3313.60(A)(5), not in the bill.

<sup>12</sup> R.C. 3313.472(A), not in the bill.