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H.B. 8
135th General Assembly

Fiscal Note & Local Impact Statement

[Click here for H.B. 8's Bill Analysis](#)

Version: As Reported by Senate Education

Primary Sponsors: Reps. Swearingen and Carruthers

Local Impact Statement Procedure Required: Yes

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Highlights

- Districts and schools may incur minimal administrative costs to comply with the parental notification and review policies required by the bill for certain sexuality-related instruction and school health care services.
- School districts may incur minimal administrative costs to adopt policies regarding released time courses in religious instruction.
- The annual cost for the Attorney General's Bureau of Criminal Investigation to conduct background check activities and services may increase to some degree. These costs will be more or less offset by the fees charged to conduct a background check.

Detailed Analysis

Parental notification and review policies

The bill prohibits public schools, including school districts, community schools, and science, technology, engineering, and mathematics (STEM) schools, as well as third parties acting on behalf of a district or school, from providing formal classroom instruction that includes sexuality content to students in grades K-3 and requires public schools to develop and adopt parental notification and review policies regarding certain sexuality-related content and student health care. The bill requires districts and schools to make the policies public and post them on their websites, if they have one. In general, the costs for districts and schools to implement the bill likely are minimal.

The bill requires districts and schools to adopt policies that require schools to do the following:

- Ensure that certain sexuality-related content defined by the bill is age-appropriate and developmentally appropriate for the age of the student receiving instruction, provide parents with the opportunity to review any instructional materials that include such content, and allow the parents to request a student's excusal from such instruction to participate in an alternative assignment.
- Promptly notify parents of any substantial change in a student's services, including counseling services, or monitoring related to mental, emotional, or physical health or well-being or the school's ability to provide a safe and supporting learning environment.
- Prohibit district personnel from encouraging students to withhold information concerning health or well-being from their parents.
- Adopt a procedure to obtain authorization from parents prior to providing any physical, mental, or behavioral health care service, except for emergency, first aid, or other unanticipated minor health care services, or services provided under a student's individualized education program (IEP) or 504 plan (in general, these are written documents that describe the supports a student with a disability will receive from a school). Under the procedure, a parent may choose whether to authorize a district to provide a health care service to the parent's child. The bill requires the procedure to include notifying parents of each health care service offered at or facilitated in cooperation with the student's school and their option to withhold consent or decline any specified service, whether a service is required to be provided by the district under state law, and whether other options exist.
- Permit parents to file a written concern with the school's principal or assistant principal and establish a process to resolve the concern about topics addressed in the bill within 30 days of receipt. If a parent appeals the principal or assistant principal's decision, the bill establishes a process of appeals escalating first to the superintendent, then to the district's board of education.

As described in the [LSC bill analysis](#), current law provides for parental notification, review, and opt-out of instruction in certain subject areas and requires school districts to establish a parental advisory committee or some other strategy to enable parental review of instructional materials and academic curricula. Schools likely will carry out the notification requirements in the course of distributing regular information at the beginning of each school year. Presumably, districts and schools will incorporate the bill's requirements regarding written concerns into existing procedures for resolving disputes, complaints, and similar matters.

Released time for religious instruction

The bill requires, instead of permits as under current law, school districts to adopt a policy allowing a student to be excused from school to attend a released time course in religious instruction conducted by a private entity off school property. The bill requires school districts to collaborate with sponsoring entities to identify a time to offer the released time courses during the school day. Additionally, the bill permits school districts to require the sponsoring entity of a released time religious instruction program to perform criminal records checks on employees

and volunteers who provide instruction under the program. The bill further permits districts that require criminal records checks to determine the manner in which sponsoring entities must complete the checks.

Some school districts may already have a policy in place allowing released time courses in religious instruction. Those that do not may incur minimal administrative costs to develop and adopt such a policy. The bill may also increase districts' administrative workload to coordinate with sponsoring entities and schedule agreed-upon times for released time courses. Continuing law prohibits public funds from being expended or public school personnel from being involved in providing the religious instruction. In addition, continuing law requires the private entity, the student's parents or guardians, or the student to provide transportation to and from the place of instruction and the private entity to assume liability for the student and maintain attendance records.

The responsibility for background checks under the bill lies with sponsoring entities of released time religious instruction programs, not school districts. As such, sponsoring entities may bear the costs of conducting background checks. However, the annual cost for the Attorney General's Bureau of Criminal Investigation (BCI) to conduct background check activities and services may increase to the extent that sponsoring entities are not already conducting or requiring background checks for their employees or volunteers. These costs will be more or less offset by the fees charged to conduct a background check. BCI administers state-only background checks as well as federal background checks through the FBI, for which it charges fees of \$22 and \$25.25, respectively. All of the fees are credited to the General Reimbursement Fund (Fund 1060), with \$23.25 of the FBI background check fee subsequently disbursed to the FBI.