

**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 1  
section 3313.473 of the Revised Code to enact 2  
the "Parents' Bill of Rights" to require public 3  
schools to adopt a policy on parental 4  
notification on student health and well-being 5  
and instructional materials with sexuality 6  
content. 7

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

**Section 1.** That sections 3314.03 and 3326.11 be amended 8  
and section 3313.473 of the Revised Code be enacted to read as 9  
follows: 10

**Sec. 3313.473.** (A) The general assembly maintains that a 11  
parent has a fundamental right to make decisions concerning the 12  
upbringing, education, and care of the parent's child. 13

(B) The board of education of each city, local, exempted 14  
village, and joint vocational school district shall develop and 15  
adopt a policy to promote parental involvement in the public 16  
school system. The policy shall require a school district to do 17  
all of the following: 18

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

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 attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	132 133 134 135 136 137
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	138 139
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	140 141 142 143 144 145
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	146 147
(a) A detailed description of each facility used for instructional purposes;	148 149
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	150 151
(c) The annual mortgage principal and interest payments that are paid by the school;	152 153
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	154 155 156
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except	157 158 159

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 the school will document participation in learning opportunities;	363 364 365
(e) A statement describing how student progress will be monitored;	366 367
(f) A statement describing how private student data will be protected;	368 369
(g) A description of the professional development activities that will be offered to teachers.	370 371
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	372 373 374 375
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	376 377 378 379 380
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	381 382 383 384 385
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	386 387 388
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the	389 390

following:	391
(1) The process by which the governing authority of the school will be selected in the future;	392 393
(2) The management and administration of the school;	394
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not to attend the converted school and for teachers who choose not to teach in the school or building after conversion;	395 396 397 398 399
(4) The instructional program and educational philosophy of the school;	400 401
(5) Internal financial controls.	402
When submitting the plan under this division, the school shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	403 404 405 406
(C) A contract entered into under section 3314.02 of the Revised Code between a sponsor and the governing authority of a community school may provide for the community school governing authority to make payments to the sponsor, which is hereby authorized to receive such payments as set forth in the contract between the governing authority and the sponsor. The total amount of such payments for monitoring, oversight, and technical assistance of the school shall not exceed three per cent of the total amount of payments for operating expenses that the school receives from the state.	407 408 409 410 411 412 413 414 415 416
(D) The contract shall specify the duties of the sponsor which shall be in accordance with the written agreement entered	417 418

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  
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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