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80th House District  
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## Johnathan Newman State Representative

Chairwoman Schmidt, Vice Chair Deeter, Ranking Member Somani, and members of the House Health Committee, thank you for hearing my testimony today on H.B. 172, to repeal ORC 5122.04.

This bill is a follow up to the Parents Bill of Rights Act (HB 8), passed by the 135th General Assembly and signed into law by the Governor in January of this year. The position of the Ohio General Assembly on parental rights was made known with this legislation. The language of the Parents Bill of Rights Act states specifically that the provisions of ORC 5122.04 are not to be permitted.

ORC 3313.473 Section A (The Parents Bill of Rights) states, "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." It states further in Section B, 2-4 that each school district is required to:

(2) Promptly notify 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. The policy shall specify in what manner a student's parent will be notified of any substantial change in the student's services. The policy shall specify that notice to parents shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the school district shall not inhibit parental access to the student's education and health records maintained by the school.

(3) Prohibit school district 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. The policy shall prohibit school district personnel from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

(4) Adopt a procedure to obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral health care services. Under the procedure, a parent may choose whether to authorize a district to provide a health care service to the parent's child.

If ORC 5122.04 remains in the law it would confuse schools making them think they should promote children keeping knowledge of mental health treatment from their parents. It specifically states that

“mental health services” may be provided to the minor student, “without the consent or knowledge of the minor's parent or guardian” and “the minor's parent or guardian shall not be informed of the services without the minor's consent.” These provisions are in direct contradiction to ORC 3313.473. Parents should be informed and give authorization for all mental health treatment administered to their children. Asking a child that is currently dealing with a mental health issue, “Do you wish to make your parent(s) aware of the treatment you are about to receive” is wrong!

If it is determined, by a school administrator or mental health professional that a crime involving abuse or neglect was committed by the parent against the child, law enforcement officials must be contacted to report the crime as is stated in ORC Section 2151.421.

We should all want to see students who suffer with mental health struggles receive the help they need. This bill seeks to do that maintaining that the students’ parents cannot be left out of the picture because the parents are the child’s authority and most important and essential part of the student’s recovery.

Thank you, Chairwoman Schmidt, Vice Chair Deeter, Ranking Member Somani, and members of the House Health Committee for hearing my testimony. I will be happy to answer any questions you may have.

Respectfully,

A handwritten signature in black ink that reads "Johnathan Newman". The signature is written in a cursive style with a large, prominent initial 'J'.

State Representative Johnathan Newman