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# OHIO LEGISLATIVE SERVICE COMMISSION

Office of Research  
and Drafting

Legislative Budget  
Office

H.B. 190  
136<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Newman and Williams

Holly Gilman, Attorney

### SUMMARY

- Prohibits public schools and public school employees and contractors from taking certain actions related to the use of names not listed on an individual's birth certificate and gender pronouns or titles that are inconsistent with an individual's biological sex.
- Permits a parent to sue for injunctive relief, attorney's fees, and costs if a public school or its employee or contractor violates the bill's provisions.
- Establishes a complaint and investigation process for violations of the bill's provisions which includes a funding penalty for periods of noncompliance.
- Requires a district or school to ensure full compliance with the requirements of the bill and describe the cause of action created by the bill in a district or school's parental involvement policy.
- Names the bill "The Given Name Act."

### DETAILED ANALYSIS

#### The Given Name Act

The bill enacts "The Given Name Act," which addresses public school use of (1) names not listed on an individual's birth certificate or a derivative and (2) gender pronouns or titles that are inconsistent with an individual's biological sex. The bill applies to any public school that offers any of grades prekindergarten through twelve, including a school operated by a school district, a community school, STEM school, or college-preparatory boarding school.<sup>1</sup>

<sup>1</sup> R.C. 3313.475(A)(4), conforming changes in R.C. 3314.03, 3326.11, and 3328.24.

Under the bill, “biological sex” means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia as listed on an individual’s official birth certificate or certificate of birth issued upon adoption, if the certificate of birth was issued at or near the time of the individual’s birth.<sup>2</sup>

## **Prohibitions**

### **Public school employees and contractors**

The bill prohibits a public school employee or contractor, regardless of the scope of one’s official duties, from doing any of the following:<sup>3</sup>

1. Knowingly and intentionally addressing an unemancipated minor student by a name other than that listed on the student’s birth certificate, or a derivative, without written permission of the student’s parent;
2. Knowingly and intentionally addressing an unemancipated minor student by a pronoun or title that is inconsistent with the student’s biological sex without written permission of the student’s parent;
3. Informing students of the individual’s own pronouns or title if those are inconsistent with individual’s own biological sex;
4. Requesting that a student provide preferred pronouns or a title that are inconsistent with the student’s biological sex;
5. Penalizing or otherwise subjecting a student to adverse or discriminatory treatment for failing to respond to a request to provide the student’s preferred name, pronoun, or title.

For purposes of these provisions “contractor” means any individual working in any capacity for any public school through a contract between any such school or board of education or employee or contractor of or member of any school or board of education and that individual or that individual’s employer, and “employee” means any individual working in any capacity, whether performance of such work is voluntary or paid, including teachers, administrators, janitors, cafeteria workers, or other individuals working at any public school.<sup>4</sup>

### **Private right of action**

The bill permits *any* parent or guardian to bring a cause of action for injunctive relief, reasonable attorney’s fees, and costs when a school or its employee knowingly violates one of the prohibitions listed above, regardless of whether the parent or guardian is that of a student affected by the violation.

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<sup>2</sup> R.C. 3313.475(A)(1).

<sup>3</sup> R.C. 3313.475(B).

<sup>4</sup> R.C. 3313.475(A)(2) and (3).

## **Public schools**

The bill prohibits a public school from doing any of the following:<sup>5</sup>

1. Requiring a public school employee or contractor to address any individual using a name other than the individual's legal name, or a derivative, or by a pronoun or title that is inconsistent with the individual's biological sex;
2. Subjecting an employee or contractor to adverse employment action for declining to provide the employee's or contractor's pronouns or to address any individual using a name other than the individual's legal name, or a derivative, or by a pronoun or title that is inconsistent with the individual's biological sex;
3. Penalizing or otherwise subjecting a student to adverse or discriminatory treatment for declining to identify the student's pronouns or to address any individual using a name other than the individual's legal name, or a derivative, or by a pronoun or title that is inconsistent with the individual's biological sex.

## **Requests for accommodation**

An employee or contractor must report to a school administrator any instance of a student requesting an accommodation that is intended to affirm the student's gender identity. This includes a request that the employee or contractor address the student by a name, pronoun, or title that is inconsistent with the student's biological sex. The school administrator must then report the request to the student's parent.<sup>6</sup>

## **Matters of public concern**

The bill's provisions specifically do not prohibit employees or contractors from discussing matters of public concern outside the context of their official duties.<sup>7</sup>

## **Complaint and investigation – funding penalty**

The bill requires the Department of Education and Workforce to establish a procedure for individuals to submit complaints about alleged violations of the bill's provisions. The Department must investigate each complaint and submit a report of its findings to the Director of Education and Workforce. If the Director determines that a violation occurred, the Department must withhold 10% of the school's state foundation aid each month until the school has achieved compliance. A school that has violated the bill's provisions must report back to the Director to affirm compliance within 45 days after the determination of noncompliance is made.<sup>8</sup>

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<sup>5</sup> R.C. 3313.475(D).

<sup>6</sup> R.C. 3313.475(C).

<sup>7</sup> R.C. 3313.475(E).

<sup>8</sup> R.C. 3313.475(F).

## Parental involvement policy

Each district and community and STEM school's parental involvement policy, required under continuing law, must require a district or school to ensure full compliance with the requirements of the bill and describe the cause of action created by the bill.<sup>9</sup>

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### HISTORY

Action	Date
Introduced	03-24-25

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<sup>9</sup> R.C. 3313.473.