As Reported by the Senate Primary and Secondary Education Committee

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Sub. H. B. No. 105  
Representatives Lipps, Kelly  
Cosponsors: Representatives Crossman, Fraizer, Koehler, LaRe, Manchester, Miller, A., Miller, J., Miranda, Russo, Sheehy, Stephens, Manning, Robinson, Click, Ingram, Lightbody, Sobecki, Baldridge, Boggs, Brent, Brown, Carfagna, Carruthers, Crawley, Cross, Cutrona, Denson, Galonski, Hicks-Hudson, Jarrells, Jones, Leland, Lepore-Hagan, Liston, O'Brien, Smith, K., Smith, M., Sweeney, Troy, Weinstein, West, White, Young, T.  
Senator Brenner

A BILL

To amend sections 3301.221, 3313.60, and 3319.073 and to enact sections 3314.0310 and 3326.091 of the Revised Code with respect to developmentally appropriate student instruction in child sexual abuse and sexual violence prevention and in-service staff training in child sexual abuse prevention.

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

Section 1. That sections 3301.221, 3313.60, and 3319.073 be amended and sections 3314.0310 and 3326.091 of the Revised Code be enacted to read as follows:

Sec. 3301.221. (A) As used in this section and section 3313.60 of the Revised Code, "evidence-based" means a program or practice that does either of the following:

(1) Demonstrates a rationale based on high-quality...
research findings or positive evaluation that such a program or practice is likely to improve relevant outcomes and includes ongoing efforts to examine the effects of the program or practice;

(2) Has a statistically significant effect on relevant outcomes based on:

(a) Strong evidence from at least one well-designed and well-implemented experimental study;

(b) Moderate evidence from at least one well-designed and well-implemented quasi-experimental study; or

(c) Promising evidence from at least one well-designed and well-implemented correlation study with statistical controls for selection bias.

(B) The department of education, in consultation with the department of public safety and the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's web site, for instruction in suicide awareness and prevention and violence prevention as prescribed under division (A)(5)(h) of section 3313.60 and division (D) of section 3319.073 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:

(1) How to instruct school personnel to identify the signs and symptoms of depression, suicide, and self-harm in students;

(2) How to instruct students to identify the signs and symptoms of depression, suicide, and self-harm in their peers;
(3) How to identify appropriate mental health services within schools and within larger communities, and when and how to refer youth and their families to those services;

(4) How to teach students about mental health and depression, warning signs of suicide, and the importance of and processes for seeking help on behalf of self and peers and reporting of these behaviors;

(5) How to identify observable warning signs and signals of individuals who may be a threat to themselves or others;

(6) The importance of taking threats seriously and seeking help;

(7) How students can report dangerous, violent, threatening, harmful, or potentially harmful activity, including the use of the district's chosen anonymous reporting program.

(C) The department of education, in consultation with the department of mental health and addiction services, shall maintain a list of approved training programs, to be posted on the department of education's web site, for instruction in social inclusion as prescribed by division (A)(5)(j) of section 3313.60 of the Revised Code. The list of approved training programs shall include at least one option that is free or of no cost to schools. The approved training programs shall be evidence-based and include the following:

(1) What social isolation is and how to identify it in others;

(2) What social inclusion is and the importance of establishing connections with peers;

(3) When and how to seek help for peers who may be
socially isolated;

(4) How to utilize strategies for more social inclusion in classrooms and the school community.

Sec. 3313.60. Notwithstanding division (D) of section 3311.52 of the Revised Code, divisions (A) to (E) of this section do not apply to any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code.

(A) The board of education of each city, exempted village, and local school district and the board of each cooperative education school district established, pursuant to section 3311.521 of the Revised Code, shall prescribe a curriculum for all schools under its control. Except as provided in division (E) of this section, in any such curriculum there shall be included the study of the following subjects:

(1) The language arts, including reading, writing, spelling, oral and written English, and literature;

(2) Geography, the history of the United States and of Ohio, and national, state, and local government in the United States, including a balanced presentation of the relevant contributions to society of men and women of African, Mexican, Puerto Rican, and American Indian descent as well as other ethnic and racial groups in Ohio and the United States;

(3) Mathematics;

(4) Natural science, including instruction in the conservation of natural resources;

(5) Health education, which shall include instruction in:

(a) The nutritive value of foods, including natural and
organically produced foods, the relation of nutrition to health, and the use and effects of food additives;

(b) The harmful effects of and legal restrictions against the use of drugs of abuse, alcoholic beverages, and tobacco, including electronic smoking devices;

(c) Venereal disease education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in venereal disease education;

(d) In grades kindergarten through six, annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention;

(e) In grades kindergarten through six, instruction in personal safety and assault prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in personal safety and assault prevention;

(f) In grades seven through twelve, age-appropriate developmentally appropriate instruction in dating violence prevention education and sexual violence prevention education, which shall include instruction in recognizing dating violence warning signs and characteristics of healthy relationships, except that upon written request of the student's parent or
guardian a student shall be excused from taking instruction in sexual violence prevention.

In order to assist school districts in developing a dating violence prevention education and sexual violence prevention education curriculum, the department of education shall provide on its web site links to free curricula addressing dating violence prevention and sexual violence prevention education. Such instruction and information shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services.

Each school district shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described under divisions (A)(5)(d) and (f) of this section, of all of the following:

(i) That instruction in child sexual abuse prevention and sexual violence prevention is a required part of the district's curriculum;

(ii) That upon request, parents and legal guardians may examine such instructional materials in accordance with this section;

(iii) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

If the parent or legal guardian of a student less than eighteen years of age submits to the principal of the student's school a written request to examine the dating violence prevention and sexual violence prevention instruction materials
used at that school, the principal, within a reasonable period of time forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.

(f) (g) Prescription opioid abuse prevention, with an emphasis on the prescription drug epidemic and the connection between prescription opioid abuse and addiction to other drugs, such as heroin;

(f) (h) The process of making an anatomical gift under Chapter 2108. of the Revised Code, with an emphasis on the life-saving and life-enhancing effects of organ and tissue donation;

(f) (i) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based suicide awareness and prevention and at least one hour or one standard class period per school year of safety training and violence prevention, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in suicide awareness and prevention or safety training and violence prevention;

(f) (j) Beginning with the first day of the next school year that begins at least two years after March 24, 2021, in grades six through twelve, at least one hour or one standard class period per school year of evidence-based social inclusion instruction, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in social inclusion.

For the instruction required under divisions (A)(5)(h) (A)
(5)(i) and (j) of this section, the board shall use a training program approved by the department of education under section 3301.221 of the Revised Code.

Schools may use student assemblies, digital learning, and homework to satisfy the instruction requirements under divisions (A)(5)(h) (A)(5)(i) and (j) of this section.

(6) Physical education;

(7) The fine arts, including music;

(8) First aid, including a training program in cardiopulmonary resuscitation, which shall comply with section 3313.6021 of the Revised Code when offered in any of grades nine through twelve, safety, and fire prevention. However, upon written request of the student's parent or guardian, a student shall be excused from taking instruction in cardiopulmonary resuscitation.

(B) Except as provided in division (E) of this section, every school or school district shall include in the requirements for promotion from the eighth grade to the ninth grade one year's course of study of American history. A board may waive this requirement for academically accelerated students who, in accordance with procedures adopted by the board, are able to demonstrate mastery of essential concepts and skills of the eighth grade American history course of study.

(C) As specified in divisions (B)(6) and (C)(6) of section 3313.603 of the Revised Code, except as provided in division (E) of this section, every high school shall include in the requirements for graduation from any curriculum one-half unit each of American history and government.

(D) Except as provided in division (E) of this section,
basic instruction or demonstrated mastery in geography, United States history, the government of the United States, the government of the state of Ohio, local government in Ohio, the Declaration of Independence, the United States Constitution, and the Constitution of the state of Ohio shall be required before pupils may participate in courses involving the study of social problems, economics, foreign affairs, United Nations, world government, socialism, and communism.

(E) For each cooperative education school district established pursuant to section 3311.521 of the Revised Code and each city, exempted village, and local school district that has territory within such a cooperative district, the curriculum adopted pursuant to divisions (A) to (D) of this section shall only include the study of the subjects that apply to the grades operated by each such school district. The curricula for such schools, when combined, shall provide to each student of these districts all of the subjects required under divisions (A) to (D) of this section.

(F) The board of education of any cooperative education school district established pursuant to divisions (A) to (C) of section 3311.52 of the Revised Code shall prescribe a curriculum for the subject areas and grade levels offered in any school under its control.

(G) Upon the request of any parent or legal guardian of a student, the board of education of any school district shall permit the parent or guardian to promptly examine, with respect to the parent's or guardian's own child:

(1) Any survey or questionnaire, prior to its administration to the child;
(2) Any textbook, workbook, software, video, or other instructional materials being used by the district in connection with the instruction of the child;

(3) Any completed and graded test taken or survey or questionnaire filled out by the child;

(4) Copies of the statewide academic standards and each model curriculum developed pursuant to section 3301.079 of the Revised Code, which copies shall be available at all times during school hours in each district school building.

Sec. 3314.0310. (A) If a community school serves students in any of grades kindergarten through six, the school's curriculum for those grades shall include annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention.

(B)(1) If a community school serves students in any of grades seven through twelve, the school's curriculum for those grades shall include developmentally appropriate instruction in sexual violence prevention education, except that upon written request of the student's parent or guardian a student shall be excused from taking instruction in sexual violence prevention.

(2) If the parent or legal guardian of a student less than eighteen years of age who is attending a community school
submits to the principal of the student's school a written request to examine the sexual violence prevention education instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.

(3) Each community school shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described in divisions (A) and (B)(1) of this section, of all of the following:

(a) That instruction related to child sexual abuse prevention and sexual violence prevention is a required part of the school's curriculum;

(b) That upon request, parents and legal guardians may examine such instructional materials in accordance with division (B)(2) of this section;

(c) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

Sec. 3319.073. (A) The board of education of each city and exempted village school district and the governing board of each educational service center shall adopt or adapt the curriculum developed by the department of education for, or shall develop in consultation with public or private agencies or persons involved in child abuse prevention or intervention programs, a program of in-service training in the prevention of child abuse, violence, and substance abuse and the promotion of positive youth development. Each person employed by any school district or service center to work in a school as a nurse, teacher,
counselor, school psychologist, or administrator shall complete at least four hours of the in-service training within two years of commencing employment with the district or center, and every five years thereafter. A person who is employed by any school district or service center to work in an elementary school as a nurse, teacher, counselor, school psychologist, or administrator on March 30, 2007, shall complete at least four hours of the in-service training not later than March 30, 2009, and every five years thereafter. A person who is employed by any school district or service center to work in a middle or high school as a nurse, teacher, counselor, school psychologist, or administrator on October 16, 2009, shall complete at least four hours of the in-service training not later than October 16, 2011, and every five years thereafter.

(B) Each board shall incorporate training in school safety and violence prevention, including human trafficking content, into the in-service training required by division (A) of this section. For this purpose, the board shall adopt or adapt the curriculum developed by the department or shall develop its own curriculum in consultation with public or private agencies or persons involved in school safety and violence prevention programs.

(C) Each board shall incorporate training on the board's harassment, intimidation, or bullying policy adopted under section 3313.666 of the Revised Code into the in-service training required by division (A) of this section. Each board also shall incorporate training in the prevention of dating violence into the in-service training required by that division for middle and high school employees. The board shall develop its own curricula for these purposes.
(D) Each board shall incorporate training in youth suicide awareness and prevention into the in-service training required by division (A) of this section for each person employed by a school district or service center to work in a school as a nurse, teacher, counselor, school psychologist, or administrator, and any other personnel that the board determines appropriate. The board shall require each such person to undergo training in youth suicide awareness and prevention programs once every two years. For this purpose, the board shall adopt or adapt the curriculum developed by the department under section 3301.221 of the Revised Code or shall develop its own curriculum in consultation with public or private agencies or persons involved in youth suicide awareness and prevention programs.

The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board, and the training may be accomplished through self-review of suitable suicide prevention materials approved by the board.

(E) Each board shall incorporate training on child sexual abuse into the in-service training required by division (A) of this section. The training completed under this division shall count toward the satisfaction of requirements for professional development required by the school district or service center board. Any training provided under this section shall be presented by either of the following who have experience in handling cases involving child sexual abuse or child sexual violence:

(1) Law enforcement officers;

(2) Prosecutors.
Sec. 3326.091. (A) If a STEM school serves students in any of grades kindergarten through six, the school's curriculum for that grade shall include annual developmentally appropriate instruction in child sexual abuse prevention, including information on available counseling and resources for children who are sexually abused. Such instruction and information provided shall not be connected in any way to any individual, entity, or organization that provides, promotes, counsels, or makes referrals for abortion or abortion-related services. Upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention.

(B)(1) If a STEM school serves students in any of grades seven through twelve, the school's curriculum for those grades shall include developmentally appropriate instruction in sexual violence prevention education, except that upon written request of the student's parent or guardian, a student shall be excused from taking instruction in sexual violence prevention.

(2) If the parent or legal guardian of a student less than eighteen years of age who is attending a STEM school submits to the principal of the student's school a written request to examine the sexual violence prevention education instruction materials used at that school, the principal, within forty-eight hours after the request is made, shall allow the parent or guardian to examine those materials at that school.

(3) Each STEM school shall notify the parents and legal guardians of students who receive instruction related to child sexual abuse prevention and sexual violence prevention, as described under divisions (A) and (B)(1) of this section, of all of the following:
(a) That instruction related to child sexual abuse prevention and sexual violence prevention is a required part of the school's curriculum;

(b) That upon request, parents and legal guardians may examine such instructional materials in accordance with division (B)(2) of this section;

(c) That upon written request of the student's parent or guardian, a student shall be excused from taking instruction in child sexual abuse prevention and sexual violence prevention.

Section 2. That existing sections 3301.221, 3313.60, and 3319.073 of the Revised Code are hereby repealed.