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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Synopsis of Senate Committee Amendments

(This synopsis does not address amendments that may have been adopted on the Senate Floor.)

### H.B. 8 of the 135<sup>th</sup> General Assembly

#### Senate Education

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The committee made the following changes to the House-passed version of the bill:

Previous Version (As Passed by the House)	Latest Version (As Reported by Senate Education)
<b>Parental involvement policy</b>	
Requires each public school to adopt a policy that promotes parental involvement in the public school system ( <i>R.C. 3313.473(B)</i> ).	Same, but requires each public school to adopt a policy no later than the first day of July following the bill's effective date ( <i>R.C. 3313.473(B)</i> ).
Requires a school policy to ensure that any sexuality content is age-appropriate and developmentally appropriate ( <i>R.C. 3313.473(B)(1)(a)</i> ).	Same, but clarifies the content must be appropriate for the age of the student receiving the instruction, regardless of the age or grade level of the student ( <i>R.C. 3313.473(B)(1)(a)</i> ).
Requires public schools, prior to providing instruction that includes sexuality content, to provide parents with a notice about instructional materials that include sexuality content and an opportunity to request that a student be excused from instruction and be permitted to take an alternative class ( <i>R.C. 3313.473(B)(1)(b)</i> ).	Requires public schools, prior to providing instruction that includes sexuality content or permitting a third party to do so, to provide parents the opportunity to review any instructional material that includes sexuality content and request the parent's student be excused from that instruction, and to permit excused students to participate in an alternative assignment ( <i>R.C. 3313.473(B)(1)(b)</i> ).

Previous Version (As Passed by the House)	Latest Version (As Reported by Senate Education)
<p>Requires public schools to notify parents about changes to the health services or monitoring provided to their children by their school related to the student’s mental, emotional, or physical health or well-being, or the school’s ability to provide a safe learning environment (R.C. 3313.473(B)(2)).</p>	<p>Same, but requires parental notification to be made <i>promptly</i>, qualifies that the changes be <i>substantial</i>, and requires the notification method to be specified in the policy (R.C. 3313.473(B)(2)).</p>
<p>Specifies that the bill must not be construed to prohibit teachers from reporting unlawful abuse or neglect (R.C. 3313.473(B)(3)).</p>	<p>Specifies that nothing in the bill prohibits or prevents mandatory reporting under R.C. 2151.421 (R.C. 3313.473(F)(4)).</p>
<p>No provision.</p>	<p>Specifies that nothing in the bill requires disclosure or activity that conflicts with or violates the HIPAA privacy rule, state law governing the use of protected health information by specified entities, confidentiality privileges for attorneys, physicians, psychologists, and certain other mental health professionals, the federal Family Educational Rights and Privacy Act, Marsy’s law, any court order, specific requests for nondisclosure made pursuant to a criminal investigation or grand jury subpoena in which the student is the victim and a parent is the alleged perpetrator (R.C. 3313.473(F)(1) to (3)).</p>
<p>No provision.</p>	<p>Specifies that nothing in the bill prohibits or limits career and academic mentoring and counseling between teachers and students in the regular course of the school day (R.C. 3313.473(F)(5)).</p>
<p>No provision.</p>	<p>Requires each public school to make its policy adopted under the bill publicly available and post it prominently on its website (R.C. 3313.473(C)).</p>
<p>Permits a parent to file a written concern with the school district.</p> <p>Requires that policy to establish a process to resolve such concerns within 30 days of receipt. (R.C. 3313.47(B)(5))</p>	<p>Permits a parent to file a written concern with a school <i>principal or assistant principal</i>.</p> <p>Requires the policy to establish a process for a <i>principal or assistant principal</i> to resolve such concerns within 30 days of receipt (R.C. 3313.473(B)(5)).</p>

Previous Version (As Passed by the House)	Latest Version (As Reported by Senate Education)
<p>Permits a parent to request a hearing before the public school's governing body if the school does not resolve a parent's written concern within 30 days and requires the governing body to hold a hearing for any request received from a parent <i>(R.C. 3313.473(B)(5))</i>.</p> <p>No provision.</p>	<p>Permits a parent to appeal a principal's or assistant principal's decision to the superintendent or equivalent. If a parent appeals the decision, the superintendent, or designee, must conduct a hearing on the decision. A parent may appeal that decision to the public school governing body. The governing body must review the decision and hold a hearing, if it determines it is necessary <i>(R.C. 3313.473(B)(5))</i>.</p> <p>States that nothing in the policy prevents a parent from contacting a member of a governing body regarding the parent's concerns with the operation of a school under the supervision of that governing body <i>(R.C. 3313.473(B)(5))</i>.</p>
<b>Parental notification of and pre-authorization for health care services</b>	
<p>Requires each public school to notify parents about school-provided healthcare services and the option to withhold consent or decline any specified service <i>(R.C. 3313.473(B)(4))</i>.</p> <p>No provision.</p> <p>No provision.</p>	<p>Same, but additionally requires notification of health care services facilitated in cooperation with the student's school as well as school-provided health care services <i>(R.C. 3313.473(B)(4)(a))</i>.</p> <p>Requires each public school to adopt a procedure to obtain authorization from a parent prior to providing any type of health care service to a student and clarifies that a parent may choose whether to authorize a district to provide health care service to their child <i>(R.C. 3313.473(B)(4))</i>.</p> <p>Exempts emergency situations, the provision of first aid, other unanticipated minor health care services, and health care services provided under a student's IEP or a student's 504 plan from the pre-authorization requirement <i>(R.C. 3313.473(B)(4))</i>.</p>

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No provision.	Requires each public school to notify a parent whether the school is required to provide a health care service under state law and if other options for a student to access the service exist and expressly permits this requirement to be satisfied by an annual notice to parents at the beginning of the school year ( <i>R.C. 3313.473(B)(4)(b)</i> ).
<b>Definitions</b>	
Defines “sexuality content” as any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology ( <i>R.C. 3313.473(F)(3)</i> ).	Same, but specifies that this content is provided in a classroom setting ( <i>R.C. 3313.473(F)(3)</i> ).
No provision.	Specifies “sexuality content” does not include incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations in sexually transmitted infection education, including references made during class participation and in schoolwork ( <i>R.C. 3313.473(F)(5)</i> ).
Defines a “student’s mental, emotional, or physical health or well-being” as, among other provisions, including the following: <ul style="list-style-type: none"> <li>▪ Any sickness, physical injury, or psychological trauma suffered by a student (<i>R.C. 3313.473(D)(4)(b)</i>);</li> <li>▪ Any pattern of bullying or harassment by or against a student in violation of school district policy (<i>R.C. 3313.473(D)(4)(c)</i>).</li> </ul>	Same, but modifies parts of the definition as follows: <ul style="list-style-type: none"> <li>▪ Any <i>significant</i> sickness or physical injury, or <i>any</i> psychological trauma suffered by a student (<i>R.C. 3313.473(F)(6)(b)</i>); and</li> <li>▪ Any harassment, intimidation, or bullying, as defined in state law, by or against a student in violation of school policy (<i>R.C. 3313.473(F)(6)</i>).</li> </ul>
No provision.	Defines “age-appropriate” and “developmentally appropriate” content as “activities or items that are generally accepted as suitable for children of the same chronological age or level of maturity or that are determined to be developmentally appropriate for a child, based on the development of cognitive, emotional, physical, and behavioral capacities that are typical for an age or age group” ( <i>R.C. 3313.473(F)(7)</i> ).

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<b>Instruction that includes sexuality content</b>	
No provision.	Prohibits a public school or a third party acting on behalf of a school from providing instruction that includes sexuality content to students in kindergarten through third grade <i>(R.C. 3313.473(E))</i> .
<b>Release time religious instruction</b>	
No provision.	Requires school districts to adopt a policy authorizing students to be excused from school to attend a released time course in religious instruction <i>(R.C. 3313.6022(B))</i> .
No provision.	Requires school districts to collaborate with a sponsoring entity of a released time course in religious instruction to identify a time to offer the course during the school day <i>(R.C. 3313.6022(C))</i> .
No provision.	Permits a school district to require a sponsoring entity's instructor and volunteers undergo criminal records checks in a manner determined by the district <i>(R.C. 3313.6030)</i> .