

Fundamental Parental Right to Make Decisions Concerning Their Child

Age-Appropriate Instruction and Parental Consent

The School shall ensure that any sexuality content is age-appropriate and developmentally appropriate for the age of the student receiving the instruction, regardless of the age or grade level of the student. The School, or any third party acting on behalf of the School, shall not provide instruction that includes sexuality content to students in grades kindergarten through three.

Prior to providing instruction that includes sexuality content or permitting a third party to provide such instruction on behalf of the School, the School shall provide parents the opportunity to review any instructional material that includes sexuality content. Upon request of the student's parent, a student shall be excused from instruction that includes sexuality content and be permitted to participate in an alternative assignment.

Withholding Information

School personnel are prohibited 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. School personnel are also prohibited from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional, or physical health or well-being.

The School shall obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral health care services.

Notification Requirements

The School shall 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 student's parent shall be notified of any substantial change in the student's services **by email. The** notice to parents shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and the School shall not inhibit parental access to the student's education and health records maintained by the School.

At the beginning of each **school year, the School shall notify parents of each health care service offered at, or facilitated in cooperation with, the** School and their option to withhold consent or decline any specified service. The School shall also notify a parent whether the service is required to be provided by the School under state law and if other options for a student to access the service exist. Parental consent to health care services does not waive the parent's right to

access the parent's student's educational or health records or to be notified about a change in the student's services or monitoring.

This section of this policy does not apply to emergency situations, first aid, other unanticipated minor health care services, or health care services provided pursuant to a student's IEP or the School's obligation under Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. 794.

Concerns Under this Policy

A parent may file a written concern regarding a topic addressed in this section with the School principal or assistant principal. The **principal or assistant principal** shall resolve such concerns within thirty days after their receipt. The School shall notify parents of their right to file a written concern. A parent may appeal a principal's or assistant principal's decision to the Educational Service Center of Central Ohio Superintendent.

If a parent appeals the principal's or assistant principal's decision, the **Superintendent**, or a designee of the Superintendent, shall conduct a hearing on the decision. Based on the findings of that hearing, the Superintendent shall decide whether to affirm the principal's or assistant principal's decision. If the Superintendent does not affirm the decision, the Superintendent shall determine a resolution to the parent's concern.

A parent may appeal the Superintendent's decision to the Educational Service Center of Central Ohio Governing Board. The Board shall review the Superintendent's decision and, if the Board determines it necessary, hold a hearing on the decision and, based on that hearing, either affirm the Superintendent's decision or determine a new resolution to the parent's concern.

This section does not prevent a parent from contacting a member of the Board regarding the parent's concerns with the operation of the School.

Accessibility

This policy shall be made publicly available and shall be posted prominently on the School's publicly accessible website.

Exemptions

Nothing in this policy shall prohibit or prevent mandatory reporting under Ohio's reporting child abuse or neglect statute, R.C. 2151.421.

Nothing in this policy shall require disclosure or activity that is in conflict with or in violation of FERPA, the HIPAA privacy rule, or Ohio's Psychologist-client privilege statute, R.C. 4732.19.

Nothing in this policy prohibits or limits the career and academic mentoring and counseling between teachers and students in the regular course of the school day.

Definitions

As used in this policy:

1. “Biological sex” means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and unambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.
2. “HIPAA privacy rule” means the standards for privacy of individually identifiable health information in 45 C.F.R. part 160 and in 45 C.F.R. part 164, subparts A and E.
3. “FERPA” means the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g.
4. “Parent” means either of the natural or adoptive parents of a student, except under the following conditions:
 - a. When the marriage of the natural or adoptive parents of the student has been terminated by a divorce, dissolution of marriage, or annulment or the natural or adoptive parents of the student are living separate and apart under a legal separation decree and the court has issued an order allocating the parental rights and responsibilities with respect to the student, “parent” means the residential parent as designated by the court except that “parent” means either parent when the court issues a shared parenting decree.
 - b. When a court has granted temporary or permanent custody of the student to an individual or agency other than either of the natural or adoptive parents of the student, “parent” means the legal custodian of the child.
 - c. When a court has appointed a guardian for the student, “parent” means the guardian of the student.
5. “Sexuality content” means any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting. “Sexuality content” does not mean any of the following:
 - a. Instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education provided under division (A)(5) of section 3313.60 or section 3314.0310 or 3326.091 of the Revised Code;
 - b. Instruction or presentations in sexually transmitted infection education emphasizing abstinence provided under section 3313.6011 of the Revised Code;
 - c. Incidental references to sexual concepts or gender ideology occurring outside of formal instruction or presentations on such topics, including references made during class participation and in schoolwork.
6. “Student’s mental, emotional, or physical health or well-being” includes, at a minimum, any of the following:
 - a. A student’s academic performance;
 - b. Any significant sickness or physical injury, or any psychological trauma suffered by a student;
 - c. Any harassment, intimidation, or bullying, as defined in section 3313.666 of the Revised Code, by or against a student in violation of School policy;

- d. Any request by a student to identify as a gender that does not align with the student's biological sex;
 - e. Exhibition of suicidal ideation or persistent symptoms of depression, or severe anxiety, or other mental health issues.
7. "Age-appropriate" and "developmentally appropriate" content refers to 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.

Ohio: R.C. 3313.473.

Cross Reference: Policy 1740 Public Records Policies; Policy 2130, Wellness Policy; Policy 3210, General Curriculum Standards; Policy 3310, Parental Involvement and Participation; Policy 3320, Title I Parental Involvement Policy; Policy 3330, Parent's Right-to-Know; Policy 3340, Parental Rights under the Protection of Pupil Rights Amendment; Policy 3550, Core Curriculum Requirements; Policy 3830, Records Policies; Policy 3840, Controversial Topics; Policy 3890, Transgender and Gender Nonconforming Students; Policy 5441, Staff & Student Boundaries.