

## 203.4

## Parental Review of Instructional Materials

### Definitions

“Instructional material” means instructional content that is provided to a student, regardless of its format, including printed or representational materials, audio-visual materials, and materials in electronic format or digital formats (such as materials accessible through the internet). The term does not include academic tests or academic assessments.

“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:

1. instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education as required by law;
2. instruction or presentations in sexually transmitted infection education emphasizing abstinence; or
3. 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.

“‘Age-appropriate’ and ‘developmentally appropriate’” content means 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.

### Parental Review

The School shall make available for review by parents, upon a reasonable request, any instructional material used as part of the educational curriculum for students, including instructional material that contains “sexuality content.”

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.

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.

### Complaint and Appeal Process

A parent may file with the School Principal or Assistant Principal a written statement of concern regarding the School’s use of sexuality content, or regarding violations of Policy 235. Within thirty (30) days of receipt, the Principal or Assistant Principal shall review and investigate any such concerns and shall provide a resolution, if necessary, to such concern. The Principal or Assistant

Principal shall notify the parent of such resolution within 30 days of receipt of the complaint. Such notice shall advise the parent of the right to appeal the decision to the Superintendent.

The Superintendent or his/her designee shall conduct a hearing of the appeal of the Principal's or Assistant Principal's resolution of a parent concern regarding the School's use of sexuality content or violations of Policy 235, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, the  Board,  a committee of the Board, or XX Regional Vice President, an administrator who is not involved in the decision, will hear the appeal resolution. Based on the findings of the appeal 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 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.

*20 U.S.C. 1232h; R.C. 3313.473.*

### Definitions

Terminology preferences may differ based many factors, including religion, language, race, ethnicity, age, and/or culture. For the purposes of this policy, the following terms shall be defined to mean:

“Student’s mental, emotional, or physical health or well-being” - 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 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.

### Annual Parental Notice

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. Notice shall include a statement of the parent’s option to withhold consent or decline any specified service. 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 as provided in this policy.

### Notice of Service to a Student

The School shall not provide a health service to a student, unless (1) a notice was made to a parent whether the service is required to be provided by the School under state law, and it other options for a student to access services exist; and (2) the School has obtained parental authorization to provide any type of health care service to the student, including physical, mental, and behavioral health care services.

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. Parents shall be notified in writing, and such notice shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children, and that the School will not inhibit parental access to the student’s education and health records maintained by the School. 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.

### Emergency or Disability Services

Nothing in this policy shall apply to emergency situations, first aid, other unanticipated minor health care services, or health care services provided pursuant to a student’s individual education program or the School’s obligations under Section 504 of the Rehabilitation Act of 1973.

### Complaint and Appeal Process

A parent may file with the School Principal or Assistant Principal a written statement of concern regarding the School's provision of services in support of a Student's mental, emotional, or physical health or well-being. Within thirty (30) days of receipt, the Principal or Assistant Principal shall review and investigate any such concerns and shall provide a resolution, if necessary, to such concern. The Principal or Assistant Principal shall notify the parent of such resolution within 30 days of receipt of the complaint. Such notice shall advise the parent of the right to appeal the decision to the Superintendent.

The Superintendent or his/her designee shall conduct a hearing of the appeal of the Principal's or Assistant Principal's resolution of a parent concern regarding the School's provision of services in support of a Student's mental, emotional, or physical health or well-being, provided the Principal and Superintendent are not the same person. If the Principal and Superintendent are the same person, the  Board,  a committee of the Board, or XX Regional Vice President, an administrator who is not involved in the decision, will hear the appeal resolution. Based on the findings of the appeal 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 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.

#### Exceptions

Nothing in this policy shall require the disclosure or activity that is in conflict with or in violation of any of the following:

1. The HIPAA privacy rule or protected health information under R.C. Chapter 3798. of the Revised Code;
2. Privileged communications protected by R.C. 2317.02, R.C. 4732.19, or R.C. 5122.04;
3. The "Family Educational Rights and Privacy Act of 1974," 20 U.S.C. 1232g;
4. Laws protecting crime victims, including Ohio Constitution, Article I, Section 10a and any laws enacted to implement that section.
5. any court order, including: (a) a condition of bond; (b) a protection order or consent agreement issued pursuant to R.C. 2151.34, R.C. 2903.213, 2903.214, R.C. 2919.26, or R.C. 3113.31; or (c) A condition of a community control sanction, post-release control sanction, or parole.
6. A specific request 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.

Nothing in this policy prohibits or prevents an individual's mandatory child abuse or neglect reporting obligations under Ohio law.

Nothing in this policy shall be construed to prohibit or limit the career and academic mentoring and counseling between teachers and students in the regular course of the school day.

*R.C. 3313.473.*

**Appendix 235-A**

**Annual Parental Notice of School Health Services**

Parents have a fundamental right to make decisions regarding the upbringing and control of their children. The School does not inhibit parental access to their student’s educational and health records maintained by the School.

Pursuant to Ohio law, this letter serves to notify you of the School’s offered and facilitated health care services.

The School offers and facilitates the following state required health care services:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

In addition, the School offers and facilitates the following additional health care services:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

If the School is not required to provide the above service(s), other options for the student to obtain the above service(s) include:

\_\_\_\_\_  
\_\_\_\_\_

Please note –As a parent, you may choose whether to authorize the School to provide a health care service to your parent's child, and you have the right to withhold consent or decline any of the School’s health care services. Your consent to health care services does not waive your right to access your student's educational or health records or to be notified about a change in the student's services or monitoring.

I authorize the School to provide the health care service(s) stated above.\*

I withhold consent or decline the following health care services: \_\_\_\_\_

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

Student Name: \_\_\_\_\_

*\*Failure to return this form within 10 days will be considered authorization for the School to provide the health care service(s) above.*

**Appendix 235-B**

[Insert School Letterhead]

**Notice of Health Service to a Student**

**Student Name:** \_\_\_\_\_

**Parent Name:** \_\_\_\_\_

Pursuant to Ohio law, this letter serves to notify you that the School wishes to provide the following health care service(s) to your student:

\_\_\_\_\_

\_\_\_\_\_

The School  is  is not (check one) required to provide the above service(s) under Ohio law. If the School is not required to provide the above service, other options for the student to obtain the above service(s) include:

\_\_\_\_\_

\_\_\_\_\_

I authorize the School to provide the health care service(s) stated above.\*

I withhold consent or decline the following health care services: \_\_\_\_\_

Parent Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*\*Failure to return this form within 10 days will be considered authorization for the School to provide the health care service(s) above.*

**Appendix 235-C**

[Insert School Letterhead]

**Notice of Change of Health Services**

Pursuant to Ohio law, parents have a fundamental right to make decisions regarding the upbringing and control of their children. The School does not prohibit access to a student’s educational and health records maintained by the School. School personnel are prohibited from directly or indirectly encouraging a student to withhold from a parent information regarding a student’s mental health, including a change in related services or monitoring.

This letter serves to notify you that there has been a substantial change in your student’s health services.

**Student Name:** \_\_\_\_\_

**Change in Service:**

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Please do not hesitate to reach out to the School with questions or concerns related to your student’s services.

Sincerely,  
[insert name]