235 Parental Notification of Student Health and Well-Being

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 ☐ _____, 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.