

**Diana M. Fessler**  
**Ohio State Board of Education, District 1**  
937-404-2577 (VM)

October 5, 2022

**CRITICAL ALERT (version 2.0)** – Please Read, Share, and Take Action

For the sake of the children and our nation, please read and respond to this alert. The [Ohio State Board of Education](#) (SBE) will be hearing testimony on a Pro-Parental Rights Resolution next week. The Resolution is a response to changes in Title IX, a federal law, and its associated rules that are harmful to children. *Now* is the time to be informed, make phone calls, show up, be seen, and be heard.

**A public hearing will be held on Wed., October 12, at 1:00 p.m., at 25 S. Front St., in Columbus.** Prior notification of your attendance or your plan to testify is not required. *Oral testimony* is limited to 3 minutes – approximately 250-300 words. The Chair has eliminated the opportunity for members to ask questions of the witnesses. A written copy of your testimony does not need to be submitted but writing it can aid in making the most of the time you have to speak. A form to sign up to testify will be available, but only a name is required. Written testimony can be sent to Board [members](#).

Title IX prohibits sex-based (male/female/chromosomal) discrimination in any federally funded educational program. For fifty years, the law has leveled the playing field for girls and women, increased college admissions, and opened doors of opportunity for female competitive sports teams. Title IX acknowledges the physiological differences between the male and female sexes.

The federal administrative [rules](#) associated with Title IX are being hijacked to **prohibit** \*public, private, charter, and parochial schools from adopting a policy or engaging in a practice that does not recognize or embrace the concept of gender identities (thoughts and feelings). Schools will be required to deny biological reality. In addition, a student or staff member who uses a child's legal name and biological pronoun (rather than the child-selected preferred name and pronouns) could be deemed a form of sex-based harassment. Students, staff, and schools could become subject to civil litigation and loss of federal funds. [\*Note: "public" was inadvertently omitted in the previous alert.]

In addition, the proposed rule requires K-12 schools **to aid minor children in transitioning to a different gender without requiring parental notification or involvement**.

*Social transitioning* refers to changing names and pronouns and verbally announcing a new identity and gender expression, such as clothing and haircuts that match identity. It also includes presenting in public in the chosen gender and can consist of packing, tucking, binding, etc. *Social transitioning* is often followed by affirmative “care,” i.e., drugs to block the onset of puberty, and then medical procedures including hormones, hair removal, speech therapy, genital surgery, etc.

Basing gender identity on thoughts and feelings rather than biological sex (male and female chromosomes) will require schools to grant equal access to sex-separate restrooms and locker room facilities. Likewise, sports teams based on gender identity rather than biological sex force women and girls to compete on an unfair basis against biological males for athletic opportunities and scholarships.

To add insult to injury, the U.S. Dept. of Agriculture has announced that funding for school-based child feeding programs will be withheld from schools that do not abide by the proposed rule. In this way, the Administration intends to force schools to choose between adopting gender identity policies or forfeiting taxpayer-funded food for children.

In response to these federal actions, SBE member Brendan Shea introduced Resolution 27.

**The Shea Resolution** declares SBE's unequivocal opposition to the proposed changes released by the U.S. Dept. of Education. It also *supports a lawsuit* filed by the Ohio Attorney General and 21 other state attorneys who seek to invalidate the newly enacted Dept. of Agriculture [rules](#). This ties federal nutritional assistance and additional funding subject to Title IX to gender identity policies. It also directs the Acting Superintendent of Public Instruction to mail a hard copy of the Resolution, with a cover letter, to every Ohio school district and every elementary or secondary school or preschool program licensed by ODE and receiving federal funds. The letter and Resolution are to be mailed to the district superintendent and each board member of public-school districts.

The letter shall also indicate that ODE:

- Opposes the *proposed regulatory changes* released by the U.S. Dept. of Agriculture on June 23, 2022.
- Considers the U.S. Dept. of Education's *guidance* documents as being without legal force and effect and therefore non-binding and unenforceable.
- Urges districts not to amend local policies or procedures based on those guidance documents.
- Affirms ODE's opposition to the rule adopted by the Dept. of Agriculture on June 14, 2022; and

- Indicates that Ohio is a local control state and conveys that the letter's purpose is to inform and advocate, not compel, schools and districts to take a particular course of action.

The Resolution also calls upon the General Assembly to enact legislation to:

- Approve temporary funding should the proposed Dept. of Agriculture rules take effect,
- Safeguard parents' rights and children's wellbeing by **requiring schools and districts to disclose information to parents** whenever their child questions their gender identity, claims a discordant gender identity, requests alternative names or pronouns, or otherwise indicates mental or emotional distress about their gender identity,
- Protect the rights and safety of women and girls by prohibiting schools and districts from allowing biological males on female sports teams or in female privacy facilities, and
- Prohibit classroom instruction on sexual orientation and gender identity in grades K-3.

---

**Children are being indoctrinated in school, but there is more to the story.**

Parents also need to know about the impact that Ohio's Federally Funded School-Based Health Care Centers (SBHC) have on their parental rights. The "Centers/Clinics" can be in a school or, presumably, in a nearby school or facility. Note that when signing a medical-release form *such as the one below*, parents surrender their parental rights to *any* school staff, *any* medical provider, and *any* health care agency. It is essential that parents carefully read and understand the consent forms they are being asked to sign. Concerned parents with children enrolled in conventional schools may find it helpful to file public record requests for SBHC school and associated medical-provider contracts. The images below are self-explanatory

This [battle is so much bigger](#) than it appears.

# School-based health care support toolkit: State of Ohio consent form and service agreement templates, Governor's Office of Health Transformation

WHILE THIS DOCUMENT IS BEING PROVIDED AS A TOOL TO HELP THE SCHOOL/DISTRICT CREATE A SCHOOL-BASED HEALTH CARE PROGRAM, IT IS NOT INTENDED TO SERVE AS LEGAL ADVICE. PLEASE CONSULT YOUR LEGAL ADVISOR BEFORE USING THIS FORM.

## SCHOOL BASED HEALTH CARE CONSENT FOR USE AND DISCLOSURE OF PROTECTED HEALTH INFORMATION

### PLEASE COMPLETE AND SIGN

In order for your child to receive care through our School Based Health Care Program, <insert name of school/health care program> must have a signed consent form from a parent or legal guardian prior to providing services to the child, except in situations where federal and/or state laws allow youth to access such treatment without parent/guardian consent. Youth may independently access reproductive health care at any age; they may independently receive drug and alcohol services and mental health counseling from age thirteen. If necessary, the Centers will inform youth of options for outside care and will assist the youth in discussing these issues with parents/guardians. If your child is enrolled in school, but is not enrolled in the School Based Health Care Program, he/she can continue to receive school nurse services.

I hereby request and authorize that:

Print Child's Name: \_\_\_\_\_  
First name Middle Initial Last Name Birth date

Receive any and all health care services available from and deemed necessary by the staff of <insert name of school/health care program> and their associated provider agencies. These services may include, but are not limited to the list below.

<insert list of services offered by the provider agencies. Check boxes can be provided next to each service offered so that the parent/guardian may opt-out their child from specific services. Additional language may be included such as, I do not consent to let my child receive the following services that are checked below.>

Consent is also given for referral of care and, if needed, emergency transportation, to other physicians, health care

Receive any and all health care services available from and deemed necessary by the staff of <insert name of school/health care program> and their associated provider agencies. These services may include, but are not limited to the list below.

person under the age of 18 years old or where there is a 3 year or greater age difference.  
6. Certain communicable diseases must be reported to the State Health Division.

Dare to Tell - 1Thessalonians 2:2  
(D. Fessler - Sept. 2022)



# Federally funded school based Health Care Centers



## WITH PARENTAL CONSENT\*

A child can receive **any and all** health care services deemed necessary by the **staff and provider agencies** **until the child “leaves /graduates.**

## WITHOUT PARENTAL CONSENT from AGE 13

- Access **reproductive health care services**
- Drug and alcohol
- **Mental health services and**
- **Be informed of outside options. Ex: gender clinics.**

For the most part, **when a child consents for his own care,**  
**all information is confidential.**

Dare to Tell - 1Thessalonians 2:2  
(D. Fessler - Sept. 2022)

## 7.07 Parental Consent

The purpose of parental consent is to assure that a student’s family both acknowledges and approves of interaction(s) between the education system and healthcare providers, which can include:

- Assessing and treating the patient
- Getting reimbursed
- Keeping the community of care in the loop ★
- Evaluating program outcomes

Consent is sought in medical settings to assure that healthcare services are both acceptable and allowable to the recipient. Parental consent typically consists of a short form that requests the ability to treat a student. Consent can either be a blanket consent to deliver any needed healthcare services over a given period of time (e.g., a school year, or the enrollment span of a student in a district), or can be per encounter (e.g., each time a student seeks health services).

There are no federal or state requirements for additional consent to provide services via telehealth. However, some professional licensure boards require written parental consent to provide services via telehealth. For more information, providers may wish to check with the schools they work with along with their professional licensure boards.

## TeleHealth in Schools Blueprint 2.0, **Innovate Ohio**

Dare to Tell - 1Thessalonians 2:2  
(D. Fessler - Sept. 2022)

Please share this information with church leaders, family, friends, state and elected officials, your local school board members, Education Service Center (ESC) Board members, State and County Central Committee members, local elected officials, community leaders, and others. Tell them what is at stake, parental rights, the October 12 meeting, and the opportunity to provide written or oral testimony. The hearing begins at 1:00 p.m. and will continue until all who desire to testify have done so or until someone in authority decides otherwise.

For additional information: [Alliance Defending Freedom](#), [ParentalRights.org](#), and the [1851 Center for Constitutional Law](#).

*It would be better for them to be thrown into the sea  
with a millstone tied around their neck  
than to cause one of these little ones to stumble.*

Luke 17:2