

OHIO PUBLIC SCHOOLS MUST UPDATE POLICIES ON CURRICULUM CONTENT AND RELIGIOUS INSTRUCTION: 6 KEY TAKEAWAYS FROM NEW “PARENTS’ BILL OF RIGHTS” LAW

Insights
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Ohio public schools will soon be required to adopt policies on curriculum content concerning sexual concepts, parental notification about students’ health and well-being, and time for students to attend courses in religious instruction. Your school will need to take prompt steps to comply with the new standards that take effect April 9. The new “Parents’ Bill of Rights” (House Bill 8), which Gov. DeWine signed into law earlier this month, states that “a parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent’s child.” We’ll explain everything your school needs to know, including six key policy updates required under the new law.

Overview of Ohio’s New “Parents’ Bill of Rights” Law

- **Public Schools Only.** The new state law ([HB 8](#)) will apply to public school systems and will **not** apply to private schools.
- **Purpose.** The board of education for each city, local, exempted village, and joint vocational school district must develop and adopt a policy that promotes parental involvement in the public school system.
- **Effective Date.** The new law takes effect April 9 and, except for the “released time” policy requirements, gives schools until July 1 to update their policies.

6 New Policy Updates for Ohio Public Schools

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Ohio public school districts must have policies in place by July 1 (except as otherwise noted below regarding the “released time” requirements) that, among other things:

1. Ensure appropriate curriculum content. Any “sexuality content” included in school curriculum will need to be “age-appropriate” and “developmentally appropriate” (as those terms are defined in HB 8). “Sexuality content” is broadly defined to include any oral or written instruction, presentation, description, or image of sexual concepts or gender ideology provided in a classroom setting (though it includes limited exceptions for certain material, such as sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education).

Important Note on Grades K-3. HB 8 prohibits schools (or those acting on behalf of a school) from providing any instruction that includes “sexuality content” to students in grades K-3.

2. Give parents opt-out rights. Schools will need to provide parents the opportunity to review any instructional material containing sexuality content before presenting the material to students. Additionally, upon the request of a student’s parent, the student must be excused from instruction that includes sexuality content and be permitted to participate in an alternative assignment.

3. Notify parents about changes impacting student. Schools will be required to promptly notify a student’s parents of any substantial changes 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 new law will require parental notice for a wide range of reasons (subject to exceptions for limited circumstances, such as when doing so would violate HIPAA or a protection order) and prohibit school personnel from encouraging a student to withhold such information from a parent. **This specifically includes informing parents if a student requests to identify as a gender that does not align with the student’s biological sex.**

4. Adopt prior authorization procedures for healthcare services. Schools will need to adopt a procedure to obtain authorization from parents prior to providing any type of health care service to the student, including physical, mental, and behavioral healthcare services.

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5. Establish an appeals process for addressing parents' concerns. Schools will be required to permit parents to file written concerns regarding any of the issues addressed in items 1 through 4 above. Parents must be permitted to file concerns with the principal or assistant principal and will be entitled to either a resolution to their concerns or a multi-level appeals process involving a hearing conducted by the school's superintendent (or designee) and a review (and possibly a second hearing) conducted by the district's board of education. Parents will maintain the ability to contact a school board member directly regarding any concerns with the school's operation.

Policy Posting Requirement. Each public school must make i regarding the first five items above publicly available and pos "prominently" on its publicly accessible website.

6. Permit "released time" courses in religious instruction. Existing Ohio law allows school districts to decide whether to adopt program allowing students to leave for released time during non-core subjects to attend religious instruction. However, HB 8 **mandates** that schools adopt a policy allowing students to be excused from a non-core curriculum subject course to attend a religious instruction course. The amended law also mandates schools to collaborate with organizations seeking religious release time. The "released time" requirements appear to take effect right away, so schools should plan to comply by **April 9** (rather than the July 1 deadline applicable to the other new policy requirements above).

Conclusion

Recently enacted state laws set new standards for schools, which means that your school must review and update your policies on curriculum content, parental notification, released time programs for religious instruction, and student access to bathrooms (click [here](#) to read more about Ohio's new "bathroom ban" law that takes effect February 25).

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