

How will Ohio's 'Parents' Bill of Rights' affect students? Schools wrestle with complicated questions

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COLUMBUS, Ohio - A new state law requires Ohio school districts to develop policies for informing parents about “substantial” changes to a child’s mental, emotional, and physical health or well-being – including when they ask to identify as a gender that does not align with the student’s biological sex.

But what those policies will look like is far from clear.

[House Bill 8](#), the legislation lawmakers called the “Parents’ Bill of Rights,” also requires districts to have policies on informing parents about “sexuality content” in the classroom and for released time for religious instruction. But it lacks many specifics.

Now, school districts are left to wrestle with the complicated questions that come with writing their own policies -- and how to implement them.

Throughout the state, local school boards are trying to figure what their policies should contain, what thresholds constitute sexuality content or a student’s request to identify as a different gender.

Must schools inform parents when students ask a teacher, counselor or administrator to identify them by the gender they were not born into, or does it apply to other school staff as well?

How about if the student makes an indirect request or drops a hint that they’re struggling with gender identity?

Will there be consequences for staff who don’t comply?

And what exactly constitutes “sexuality content”?

The law isn't clear on those questions, and the organizations that typically write model policies for schools either haven't yet developed them in response to HB 8, or offer policies that don't answer those questions.

"Ohio has gotten really good at passing confusing language into law and creating confusion that leads to conflict," said Christina Collins, executive director of Honesty for Ohio Education, an organization made up of students, professors, teachers unions, the NAACP and others. "People interpret phrases like 'sexuality content,' or 'age-or developmentally appropriate' and 'substantial change in the student's services' in different ways, which means what issues will draw local attention will vary across Ohio."

Collins noted that some of the amendments to HB 8 attempted to provide clarity. But sometimes "it actually makes them more confusing by referring to vague phrases, such as 'generally accepted as suitable.' Even that adds to the confusion, rather than clarifying things: who defines 'generally' in a divided culture?" she asked.

School districts nevertheless will be under pressure to determine how they want to implement the new law. They must adopt policies by July 1.

Gender identity

Most school districts that talked to cleveland.com/The Plain Dealer had no policy yet about whether to tell parents if a student identifies as a different gender, with the exception of New Albany-Plain Local Schools.

In August 2022, the suburban Columbus district adopted a policy that states no student can be required, without written consent of their parents if they are under age 18, to participate in a survey or evaluation revealing information concerning "sex behavior or attitudes (including gender/pronouns.)"

When a minor student asks a staff member to refer to them by a different gender or pronoun, the staff will work with students to get permission from their parent or guardian, the district board wrote in a letter to families.

This policy aligns with HB 8 and does not need to change to comply with the new law, district spokesman Patrick Gallaway said.

In Shaker Heights City School District, there is no policy now addressing a child who identifies as transgender. The district has begun working on a policy to comply with HB 8.

If students request to identify by a different name or gender, “my guess is in the classrooms, the teachers just do it,” said Lora Cover, the school board president.

The district submitted testimony to the legislature opposing HB 8, believing it could put LGBTQ students’ emotional well-being at risk.

Cover said Shaker officials have begun talking with officials in other districts about what they plan for their policies. She believes the required outing of LGBTQ students creates a chilling effect on students opening up to a trusted adult at school. Educators and counselors may be disinclined to talk about it with kids, knowing the requirement that they must tell parents, she said.

“I don’t know what we’re going to land on,” she said. “But at the end of the day we want to protect our students.”

It’s unclear what consequences school employees might face if they don’t follow the parental notification requirements. But as employees of their districts, they could face discipline for not adhering to policies, said Collins, of Honesty for Ohio Education.

The Ohio Education Association is still evaluating potential implications of the bill, which it opposed, said Scott DiMauro, president of the union representing about 120,000 teachers.

“This bill really puts teachers and school employees in a tough spot, because for a lot of kids, they are the trusted adults,” he said. “They just want to make sure that the kids are safe. And this legislation creates a chilling impact. At the end of the day, we all want the same thing: We all want kids to be safe. We all want kids to be supported. We all want kids to be successful.”

He said the bill’s premise that teachers are hiding information from parents is incorrect, when most educators are careful when they receive such information and have never tried to push a child in one direction or another on gender identity.

“When we have transgender students, it’s the parents who are seeking support from the school to make sure that their kids are safe and we are all on the same page,” he said.

Sexuality content

Virtually all school districts in Ohio have policies in place to allow parents to review content that’s being presented in class.

In that way, HB 8 tries to solve a problem that does exist, said Sheena Barnes, a board member of the Toledo City School District, in testimony against the bill.

“Ohio law already requires school districts to provide parents and guardians the right to review the selection of textbooks, reading lists, instructional materials, and academic curriculum used by the district,” she said.

If a parent objects to the sexuality content, the school must excuse the child from that instruction and provide the student an alternative assignment.

The bill defines sexuality content as “any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting.”

However, HB 8 provides three exceptions of lessons students get that are not part of sexuality content under the Parents Bill of Rights, meaning schools do not have to follow the protocol of showing the parents the content and offering students alternative assignments: The state-mandated instruction on sexually transmitted infections and sexual abuse prevention; venereal disease instruction emphasizing abstinence as required under state law; and “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.”

Model policies

The Ohio School Boards Association and Stow-based Neola, another education policy organization, provide model policies for Ohio’s local school boards.

The Ohio School Boards Association doesn’t have a model policy for when children identify as a different gender. Previously, the association advised local boards to work with attorneys to develop such policies.

Neola had previously advised districts to sort out individually each case of a student’s name and pronoun preference. But in November, it came out with a model policy for [House Bill 214](#) that it believes will work for HB 8, said Patrick Corbett, Neola’s senior advisor.

HB 214 requires each public school to have adopted a policy by Jan. 22, protecting people’s rights to individual beliefs and affiliations; prohibits requiring employees to subscribe to certain beliefs; and [gives students up to three days a year off](#) to observe religious holidays.

Neola's model policy states that the district promotes the exchange of ideas and allows students and employees to maintain their own beliefs, affiliations, ideals, political opinions and ideology without fear of repercussion.

The district does not require employees to ascribe to "specific beliefs, affiliations, ideals, principles concerning political movements, or ideology," the model policy says.

And while employees do not have to ascribe to any certain beliefs, they can be subject to discipline if they violate state and federal laws, it says.

"Likewise, the Board shall not solicit or require current or prospective students who seek enrollment in the District to affirmatively ascribe to specific beliefs, affiliations, ideals, or principles concerning political movement or ideology, nor will the District use any statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology to evaluate the student's academic performance," the policy states.

The Neola policy, however, doesn't offer guidance on how staff should handle students who request to be identified as a different gender.

Released time model policy

The new requirement for a policy on released time for religious instruction comes as a suburban Columbus Christian educator called LifeWise Academy continues to grow throughout Ohio and the country. Previous state law allowed but did not require released time policies.

Parents against LifeWise, an organization that's working to blunt the effect of released time for religious instruction, created [a model policy](#) to comply with the religious instruction part of HB 8 that it has sent to districts across Ohio. The group believes released time is disruptive and deprives many children of needed class time.

The policy limits released time to once a week for 60 minutes, which is usually the amount of time and frequency LifeWise Academy classes meet. While parents are required to give permission for released time, students can choose to stop attending released time and stay in school, the model policy states.

The policy requires students to make up any missed work.

“Teachers and administrators shall not adjust or alter the curriculum, teaching schedule, or lesson plans to make accommodations for students missing class for release time instruction,” it says.

LifeWise recommends school districts use [a model policy](#) created by the Released Time Resource Institute, an organization that supports the advancement of released time policies and practices nationwide.

The policy is not too much different than the Parents Against LifeWise model policy, in that it makes students responsible for all missed work. The policy does not limit the amount of time students can attend released time each week.

“Staff members shall not promote or discourage participation in any RTRI program,” the model policy states. “Nothing herein shall constitute an endorsement of religion or infringe upon an individual’s First Amendment rights.”