

HB 8 – Parents’ Bill of Rights

Frequently Asked Questions



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What is the Parents' Bill of Rights?

The Parents' Bill of Rights was created by House Bill 8 (HB 8), and codified in Ohio Revised Code Section 3313.473, which states at its core, "A parent has a fundamental right to make decisions concerning the upbringing, education, and care of the parent's child."

To whom does HB 8 apply?

HB 8 applies specifically to the boards of education of city, local, exempted village and joint vocational school districts, including all administrators, teachers, counselors, psychologists, nonteachers, coaches and others employed by the board. It does not expressly apply to educational service centers, non-public or community schools.

When is the Parents' Bill of Rights effective?

While HB 8 was technically effective April 9, 2025, it requires that a board policy be adopted by July 1, 2025, making it effective beginning in the 2025-2026 school year.

What does the Parents' Bill of Rights require?

The Parents' Bill of Rights requires a board of education to adopt a policy that promotes parental involvement in the school system which reinforces the fundamental right of parents to make decisions regarding the upbringing and control of their children. The policy is required to include five (5) primary components, as follows:

1. **Sexuality Content in Instruction:** Districts are prohibited from including "sexuality content" in instruction in grades K-3. For grades 4-12, districts must ensure that sexuality content is age and developmentally appropriate and must provide a parent the opportunity to review content before instruction is provided and an opportunity to opt-out.

2. **Prompt Notification to Parents in Certain Circumstances:** Districts are required to promptly notify parents of a substantial change in a student's services, 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.
3. **Prohibited Conduct:** District staff are prohibited from: 1) directly or indirectly encouraging a student to withhold information from a parent concerning the student's mental, emotional, or physical health or well-being; and 2) discouraging or prohibiting parent notification of and involvement in decisions affecting the student's mental, emotional or physical health or well-being.
4. **Notification Requirement and Consent for Services:** Districts are required to notify parents of physical, mental and behavioral health care services and the option to withhold consent or decline services.
5. **Parent Concern Procedure:** Districts are required to develop a "parent concern" procedure.

The board's policy shall be publicly available and posted prominently on its publicly accessible web site, if it has one.

Can a district notify students of the new obligations?

Yes. Just as districts notify parents, districts will want to inform staff members and students of the policy so that they are aware of the requirements.

What can happen if we don't follow the law?

If a staff member is not complying with HB 8, a parent can file a written concern with the assistant principal or principal and escalate it through the superintendent and board of education or contact a board member directly. In addition, anyone can file a complaint with the Office of Professional Conduct if that individual believes a licensed educator has failed to comply with the law.

Are there any additional changes expected related to this issue?

There is pending legislation that, if passed, will amend Ohio Revised Code 3313.473.

Sexuality Content in Instruction

What is "sexuality content"?

HB 8 defines "sexuality content" as "any oral or written instruction, presentation, image, or description of sexual concepts or gender ideology provided in a classroom setting."

What are a district's obligations related to instruction that includes "sexuality content"?

No school district or third party acting on behalf of a district shall provide instruction that includes sexuality content to students in grades kindergarten through three. For grades four through twelve, a district must ensure that any sexuality content is age and developmentally appropriate, regardless of the age or grade level of the student.

What must a district do prior to providing sexuality content in grades four through twelve?

Prior to providing such instruction, a district must provide the parent the opportunity to review any instructional material that includes sexuality content.

Can a parent "opt-out" of instruction that includes sexuality content?

Yes. 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.

What does "sexuality content" not include?

Sexuality content does not include instruction or presentations in sexually transmitted infection education, child sexual abuse prevention, and sexual violence prevention education or instruction or presentations emphasizing abstinence. These categories of instruction are addressed separately under other laws. Sexuality content also does not include 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.

Does the Parents' Bill of Rights address books maintained in a library?

No. The limitations in HB 8 relate specifically to instruction, so, to the extent books are included as part of instruction and contain sexuality content, teachers must comply with HB 8 sexuality content requirements. The HB 8 limitations do not expressly extend to content in district or classroom libraries, however, parents may be inclined to request information about content accessible by their students.

Does HB 8 prohibit teachers from posting certain messages, flags and posters in their classrooms?

Not specifically. However, HB 8 defines "sexuality content" to include, among other things, any image provided in a classroom setting. If an image is posted in a classroom that contains sexuality content and is included in instruction in any manner, it is subject to the provisions of HB 8.

Prompt Notification to Parents in Certain Circumstances

What do “student services” include?

Under the law, student services are not expressly defined but include counseling services. Districts should identify the services it provides to its students.

What is the definition of “Student’s Mental, Emotional, or Physical Health or Well-Being”?

“Student’s mental, emotional, or physical health or well-being” is defined to include 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 school district policy;
- (d) Any request by a student to identify as a gender that does not align with the student’s biological sex; and
- (e) Exhibition of suicidal ideation or persistent symptoms of depression, or severe anxiety, or other mental health issues.

What is a district required to do if there is a change in the student’s services or monitoring?

A district must 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.

How should this notification be made?

The board’s policy shall specify the manner in which a student’s parent will be notified (phone call, email, letter or other methods) of any substantial change in the student’s services. Districts will want to identify a practical and streamlined process for getting information from staff members to parents in a timely manner to ensure appropriate notification. Documenting the notification in some manner establishes compliance with the law.

Are there any special requirements for the notification?

The notice to parents must be provided promptly and shall reinforce the fundamental right of parents to make decisions regarding the upbringing and control of their children.

Are there exceptions for notifying parents of a change in a student’s services?

Yes, in concept. Though, practically speaking, the exceptions for notifying parents of a change in a student’s services are limited. These exceptions will primarily arise if the notification violates federal student privacy laws, a court order, condition of bond, protection order, consent agreement, community control or post-release control sanction, parole limitation or 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.

If a staff member suspects abuse by a parent, is there an exception to notifying the parent of a change in the student’s services?

Not expressly. The new law indicates that nothing prohibits or prevents mandatory reporting if there is a suspicion of abuse. However, reporting a suspicion of abuse does not constitute an exception for

notifying a parent of a change in the student's services.

How do staff members balance the duties of reporting suspicions of abuse and notifying parents of a change in a student's services?

District personnel are required to report suspicions of abuse immediately and to notify parents of changes in a student's services promptly. In between the two reports, there could be an intervening exception to the notification obligation that arises if law enforcement requests that the district not notify the parent because of a criminal investigation. Otherwise, the district personnel are legally expected to satisfy both duties.

Prohibited Conduct

Is there certain conduct of staff members that is prohibited?

Yes. Under the law, district 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. In addition, district personnel are prohibited from discouraging or prohibiting parental notification of and involvement in decisions affecting a student's mental, emotional or physical health or well-being.

Notification Requirement and Consent for Services

What are a district's obligations related to notifying parents about student services?

At the beginning of each school year, a district is required to notify parents of each health care service offered at, or facilitated in cooperation with, their school and the parent's option to withhold consent or decline any specified service. Prior to providing a health care service to a student, a

district must notify a parent whether the service is required to be provided by the school district under state law and if other options for a student to access the service exist. This requirement may be satisfied by an annual notice to parents at the beginning of the school year. These requirements do not apply to emergency situations, first-aid, unanticipated minor health care services or services provided pursuant to an IEP or 504 plan.

What is a district's obligation related to obtaining consent for student services?

A district is required 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 health care services. This can be accomplished annually (for example, as part of the enrollment or registration process). Parents have the right to withhold consent and decline services.

May district staff provide outside resources to students?

Pursuant to HB 8, a district must notify a parent whether services are required to be provided by the school district and if other options for a student to access the service exist. Caution should be exercised in offering access to other resources directly to the student to avoid any allegation that the purpose of offering such resources was to encourage a student to withhold information from a parent. Consent of the parent is required for services facilitated in cooperation with the district.

Do parents have the right to access the student's records?

Yes, unless a legal exception applies. Parental consent to health care services does not waive the parent's right to access the student's educational or health records or to be notified about a change in the student's services or monitoring.

Written Concern Procedure

What are the requirements for a district's "written concern" procedure?

School districts are required to notify parents, through policy, of their right to file a written concern. Under this procedure, a principal or assistant principal will resolve such concerns within thirty days after receipt of a written concern. A parent may appeal a principal's or assistant principal's decision to the superintendent. The superintendent or designee shall conduct a hearing on the decision. Based on the findings of that 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 of education of the school district. 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.

Is a parent required to follow this written concern procedure?

Parents should be encouraged to follow this procedure, as an attempt to resolve the issue at the lowest level possible. However, the law expressly permits a parent to contact a member of a board of education regarding the parent's concerns at any time. While individual board members do not have authority to act on a concern, the board member can redirect the parent to the written concern procedure and otherwise bring the concern to the attention of the administration and board.

Contact your
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with questions.



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