

New Ohio Law Prohibits Restrictions Against Students Wearing Religious Apparel While Competing

By David Hirt

Boards of education and their administrators should take note that new Section 3313.5317 of the Ohio Revised Code, enacted through Senate Bill 181, took effect on May 30, 2022. This new law prohibits a board of education, governing body of a non-public school, an interscholastic athletic conference, or the Ohio High School Athletic Association from interfering with a student wearing religious apparel during participation in interscholastic athletic competitions or other extracurricular activities. The new law defines “wearing religious apparel” to mean “the wearing of headwear, clothing, jewelry, or other coverings while observing a sincerely held religious belief.”

Unlawful interference includes “any obstruction” to wearing religious apparel during participation in athletics or other extracurricular activities, including requiring the student to obtain prior approval or other permission.

Section 3313.5317, however, allows the regulation of wearing religious apparel while participating in athletic events or other extracurricular activities “if a legitimate danger to participants is identified due to wearing religious apparel.” If a danger is identified, the student must be offered reasonable accommodations that would allow the wearing of religious apparel and eliminate the danger.

The new law creates a civil action against any individual or entity, including school districts, interscholastic conferences, or organizations that regulate interscholastic athletics, and their employees, that interferes with a student wearing religious apparel during participation in athletics or extracurricular activities, permitting a student to file a complaint in court seeking civil damages, injunctive relief, and other appropriate relief for such interference. Importantly, if a lawsuit is filed, a school district, its board members, and employees may still be entitled to immunity under Ohio law.

If you would like more information about a district’s rights and obligations relating to a student wearing religious apparel during athletic competitions and other extracurricular activities, please contact any of the listed Roetzel attorneys.

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