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134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 327

A BILL

To amend sections 3313.21, 3314.03, and 3326.11 and 1
to enact sections 3313.6027, 3345.0215, 2
3345.0216, and 4113.35 of the Revised Code to 3
enact "The Promoting Education, Not 4
Indoctrination Act" regarding the promotion of 5
divisive concepts by primary and secondary 6
schools, state institutions of higher education, 7
political subdivisions, and state agencies. 8

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3313.21, 3314.03, and 3326.11 be 9
amended and sections 3313.6027, 3345.0215, 3345.0216, and 10
4113.35 of the Revised Code be enacted to read as follows: 11

Sec. 3313.21. (A) ~~The~~ Subject to division (D) of this 12
section, the board of education of each school district shall be 13
the sole authority in determining and selecting all of the 14
following to be used in the schools under its control: 15

(1) Textbooks, pursuant to section 3329.08 of the Revised 16
Code, and reading lists; 17



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(2) Instructional materials;	18
(3) Academic curriculum.	19
(B) The board of education of each school district may permit educators to create instructional materials, including textbooks, that are consistent with the curriculum adopted by the district board for use in the educators' classrooms.	20 21 22 23
(C) Nothing in this section is intended to promote or encourage the utilization of any particular text or source material on a statewide basis.	24 25 26
<u>(D) The school district board shall not select any textbook, instructional material, or academic curriculum that promotes any divisive concepts described in section 3313.6027 of the Revised Code.</u>	27 28 29 30
<u>Sec. 3313.6027. (A) As used in this section:</u>	31
<u>(1) "Divisive concepts" are defined as concepts stating that:</u>	32 33
<u>(a) One nationality, race, color, ethnicity, religion, or sex is inherently superior to another nationality, race, color, ethnicity, religion, or sex as described in the "Civil Rights Act of 1964."</u>	34 35 36 37
<u>(b) The United States is fundamentally racist or sexist.</u>	38
<u>(c) An individual, by virtue of the individual's nationality, race, color, ethnicity, religion, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously.</u>	39 40 41 42
<u>(d) An individual should be discriminated against or receive adverse treatment solely or partly because of the</u>	43 44

individual's nationality, race, color, ethnicity, religion, or sex. 45
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(e) Members of one nationality, race, color, ethnicity, religion, or sex attempt to treat others disrespectfully based upon nationality, race, color, ethnicity, religion, or sex. 47
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(f) An individual's moral character is necessarily determined by the individual's nationality, race, color, ethnicity, religion, or sex. 50
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(g) An individual, by virtue of the individual's nationality, race, color, ethnicity, religion, or sex, bears responsibility for actions committed in the past by other members of the same nationality, race, color, ethnicity, religion, or sex. 53
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(h) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, race, color, ethnicity, religion, or sex to oppress another nationality, race, color, ethnicity, religion, or sex. 58
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(i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. 62
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(2) "Promote" or "promotion" means either of the following processes: 64
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(a) Seeking to advance or encourage support of a partisan philosophy or religion by indoctrination, coercion, or furthering divisive concepts by teaching an individual or group of individuals to accept a set of beliefs in a one-sided, biased, and uncritical manner; 66
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(b) Inculcating ideas, attitudes, beliefs, and cognitive strategies during the transfer of cultural traditions from one 71
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generation to the next with the expectation that such traditions 73
will not be questioned but practiced in the future. 74

(3) "Race or sex stereotyping" means ascribing character 75
traits, values, moral and ethical codes, privileges, status, or 76
beliefs to a nationality, race, color, ethnicity, religion, or 77
sex or to an individual because of the individual's nationality, 78
race, color, ethnicity, religion, or sex. 79

(4) "Race or sex scapegoating" means assigning fault, 80
blame, or bias to a nationality, race, color, ethnicity, 81
religion, or sex or to members of a nationality, race, color, 82
ethnicity, religion, or sex because of their nationality, race, 83
color, ethnicity, religion, or sex. It also includes any claim 84
that consciously or unconsciously, and by virtue of their 85
nationality, race, color, ethnicity, religion, or sex, members 86
of any nationality, race, color, ethnicity, or religion are 87
inherently racist or are inherently inclined to oppress others 88
or members of a sex are inherently sexist or are inherently 89
inclined to oppress others. 90

(5) "State scholarship program" has the same meaning as in 91
section 3301.0711 of the Revised Code. 92

(B)(1) No school district, community school established 93
under Chapter 3314. of the Revised Code, STEM school established 94
under Chapter 3326. of the Revised Code, or school building 95
operated by a school district or school shall teach, instruct, 96
train, or promote professional development in any divisive 97
concepts. No student's grade shall be negatively affected by the 98
student's refusal to express belief in or support of a divisive 99
concept. 100

(2) No nonpublic school that enrolls students who are 101

participating in a state scholarship program shall use state 102
moneys to promote divisive concepts. This provision shall not be 103
construed to prohibit any nonpublic school from promoting the 104
school's closely held religious beliefs or specifying that the 105
school's religion is superior to other religions. 106

(3) No state agency, school district, school building, or 107
teacher shall apply for any federal grants or accept private 108
funding for the purpose of developing a curriculum, purchasing 109
or selecting a curriculum or course materials, or providing 110
teacher training or professional development for a course 111
promoting divisive concepts. No moneys shall be expended in 112
promoting divisive concepts. 113

(4) No school teacher, administrator, or other school 114
employee shall face any penalty or discrimination on account of 115
the school teacher's, administrator's, or other school 116
employee's refusal to support, believe, endorse, embrace, 117
confess, act upon, or otherwise assent to divisive concepts. No 118
school teacher, administrator, or other school employee shall be 119
required to complete a curriculum promoting divisive concepts as 120
a condition or prerequisite of employment. 121

(C) (1) If the superintendent of public instruction 122
determines through a confirmed report from a student, parent, 123
teacher, or community member that any school district knowingly 124
or recklessly violates the prohibitions prescribed in division 125
(B) of this section, the department of education shall withhold 126
state funding from the district or school in the following 127
amounts: 128

(a) For a first offense, twenty-five per cent; 129

(b) For a second offense, fifty per cent; 130

<u>(c) For a third offense, one hundred per cent.</u>	131
<u>The withholding of funds described in division (C) (1) of</u>	132
<u>this section shall be effective immediately and shall remain in</u>	133
<u>effect until such time as the state superintendent confirms the</u>	134
<u>district or school no longer is in violation of division (B) of</u>	135
<u>this section.</u>	136
<u>(2) The superintendent shall restore withheld funds as</u>	137
<u>follows:</u>	138
<u>(a) For a school district that corrects a violation within</u>	139
<u>ten school days after the date the report is confirmed, one</u>	140
<u>hundred per cent;</u>	141
<u>(b) For a school district that corrects a violation within</u>	142
<u>not less than eleven but not more than thirty school days after</u>	143
<u>the date the report is confirmed, fifty per cent.</u>	144
<u>The superintendent shall not restore any withheld funds to</u>	145
<u>a school district that does not correct a violation within</u>	146
<u>thirty days after the date the report is confirmed.</u>	147
<u>(3) If the state board of education determines through a</u>	148
<u>confirmed report from a student, parent, teacher, or community</u>	149
<u>member that a teacher, principal, or school district</u>	150
<u>superintendent knowingly or recklessly violates the prohibitions</u>	151
<u>prescribed by division (B) of this section, the state board</u>	152
<u>shall take the following action:</u>	153
<u>(a) For a first offense, issue an official licensure</u>	154
<u>admonishment;</u>	155
<u>(b) For a second offense, suspend the teacher's,</u>	156
<u>principal's, or superintendent's licensure for a period of time</u>	157
<u>determined by the state board based upon the severity and</u>	158

circumstances of the offense that led to the suspension; 159

(c) For a third offense, revoke the teacher's, 160
principal's, or superintendent's licensure for a period of time 161
determined by the state board based upon the severity and 162
circumstances of the offense that led to the suspension. 163

Any confirmed report regarding a single classroom shall be 164
considered one offense, regardless of the number of reports 165
submitted regarding that classroom. If an individual subject to 166
this division teaches multiple classes or in multiple buildings, 167
each classroom or building for which a report has been confirmed 168
shall be considered a separate offense. 169

(D) (1) The parent, guardian, or custodian of any student 170
who, by way of a violation of this section, is subjected to 171
indoctrination of divisive concepts in order to receive a class 172
grade or graduation credit, may bring a civil action against the 173
school, school district, or school employee responsible for the 174
violation. 175

(2) Notwithstanding Chapter 2744. of the Revised Code, a 176
school, school district, or school employee is not immune from 177
liability in damages in a civil action as provided under 178
division (D) (1) of this section. 179

(E) (1) The state board shall adopt rules to govern 180
implementation of and monitor compliance with the provisions of 181
this section. 182

(2) At no time shall the state board adopt any standards, 183
model curricula, professional development resources, classroom 184
resources, or assessments promoting divisive concepts as 185
described in this section. 186

(3) The state board shall prepare an annual report 187

regarding the adoption and enforcement of this section and 188
submit the report to the general assembly in accordance with 189
section 101.68 of the Revised Code. The report shall provide 190
detailed information on any confirmed report described in 191
division (C)(1) of this section and a copy of each civil action 192
filed under division (D)(1) of this section. The state board 193
shall submit the report on or before the last day of June each 194
year, beginning in 2022. 195

(F) Nothing in this section shall be construed to prohibit 196
any of the following: 197

(1) Discussing or using supplemental instructional 198
materials, as part of a larger course of academic instruction, 199
to teach about divisive concepts in an objective manner and 200
without endorsement. Such materials may include the following: 201

(a) The history of an ethnic group, as described in 202
textbooks and instructional materials selected by each school 203
district in accordance with section 3313.21 of the Revised Code; 204

(b) The nonpartisan discussion of controversial aspects of 205
history; 206

(c) The nonpartisan instruction on the historical 207
oppression of a particular group of people based on nationality, 208
race, color, ethnicity, religion, sex, class, or geographic 209
region; 210

(d) Historical documents permitted under statutory law, 211
such as the national motto, the national anthem, the Ohio 212
Constitution, the United States Constitution, the Revised Code, 213
federal law, and United States Supreme Court decisions. 214

(2) In a course of instruction on public speaking, speech, 215
formal debate, or substantially similar subject matter, any of 216

<u>the following:</u>	217
<u>(a) The assignment of research, topics of debate, public speaking prompts, or other tasks that are controversial or address a divisive concept, provided the teacher does not promote adherence to divisive concept;</u>	218 219 220 221
<u>(b) The assignment of a grade or score for completion or partial completion of research, debate, public speaking, or other task, provided the grade or score is calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns. No student's grade shall be negatively affected by the student's refusal to express belief in or support for a divisive concept.</u>	222 223 224 225 226 227 228
<u>(c) Nonpartisan questions posed by a teacher that are meant to promote discussion between students, provided the teacher does not promote adherence to divisive concepts;</u>	229 230 231
<u>(d) Respectful student-to-student discussion or debate, notwithstanding the fact it may address divisive concepts;</u>	232 233
<u>(e) Student research, practice, public speaking, other assigned tasks, and questions, including advocacy of a student's own perspectives or volunteering;</u>	234 235 236
<u>(f) The promotion of American nationalism.</u>	237
Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section.	238 239 240 241 242
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the	243 244

following:	245
(1) That the school shall be established as either of the	246
following:	247
(a) A nonprofit corporation established under Chapter	248
1702. of the Revised Code, if established prior to April 8,	249
2003;	250
(b) A public benefit corporation established under Chapter	251
1702. of the Revised Code, if established after April 8, 2003.	252
(2) The education program of the school, including the	253
school's mission, the characteristics of the students the school	254
is expected to attract, the ages and grades of students, and the	255
focus of the curriculum;	256
(3) The academic goals to be achieved and the method of	257
measurement that will be used to determine progress toward those	258
goals, which shall include the statewide achievement	259
assessments;	260
(4) Performance standards, including but not limited to	261
all applicable report card measures set forth in section 3302.03	262
or 3314.017 of the Revised Code, by which the success of the	263
school will be evaluated by the sponsor;	264
(5) The admission standards of section 3314.06 of the	265
Revised Code and, if applicable, section 3314.061 of the Revised	266
Code;	267
(6) (a) Dismissal procedures;	268
(b) A requirement that the governing authority adopt an	269
attendance policy that includes a procedure for automatically	270
withdrawing a student from the school if the student without a	271
legitimate excuse fails to participate in seventy-two	272

consecutive hours of the learning opportunities offered to the student.	273 274
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	275 276
(8) Requirements for financial audits by the auditor of state. The contract shall require financial records of the school to be maintained in the same manner as are financial records of school districts, pursuant to rules of the auditor of state. Audits shall be conducted in accordance with section 117.10 of the Revised Code.	277 278 279 280 281 282
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	283 284
(a) A detailed description of each facility used for instructional purposes;	285 286
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	287 288
(c) The annual mortgage principal and interest payments that are paid by the school;	289 290
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	291 292 293
(10) Qualifications of teachers, including a requirement that the school's classroom teachers be licensed in accordance with sections 3319.22 to 3319.31 of the Revised Code, except that a community school may engage noncertificated persons to teach up to twelve hours or forty hours per week pursuant to section 3319.301 of the Revised Code.	294 295 296 297 298 299
(11) That the school will comply with the following	300

requirements: 301

(a) The school will provide learning opportunities to a 302
minimum of twenty-five students for a minimum of nine hundred 303
twenty hours per school year. 304

(b) The governing authority will purchase liability 305
insurance, or otherwise provide for the potential liability of 306
the school. 307

(c) The school will be nonsectarian in its programs, 308
admission policies, employment practices, and all other 309
operations, and will not be operated by a sectarian school or 310
religious institution. 311

(d) The school will comply with sections 9.90, 9.91, 312
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 313
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 314
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 315
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 316
3313.6024, 3313.6025, 3313.6026, 3313.6027, 3313.643, 3313.648, 317
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 318
3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 319
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 320
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 321
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 322
3319.078, 3319.318, 3319.321, 3319.39, 3319.391, 3319.393, 323
3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 324
3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 325
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 326
117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. 327
of the Revised Code as if it were a school district and will 328
comply with section 3301.0714 of the Revised Code in the manner 329
specified in section 3314.17 of the Revised Code. 330

(e) The school shall comply with Chapter 102. and section 331
2921.42 of the Revised Code. 332

(f) The school will comply with sections 3313.61, 333
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 334
Revised Code, except that for students who enter ninth grade for 335
the first time before July 1, 2010, the requirement in sections 336
3313.61 and 3313.611 of the Revised Code that a person must 337
successfully complete the curriculum in any high school prior to 338
receiving a high school diploma may be met by completing the 339
curriculum adopted by the governing authority of the community 340
school rather than the curriculum specified in Title XXXVIII of 341
the Revised Code or any rules of the state board of education. 342
Beginning with students who enter ninth grade for the first time 343
on or after July 1, 2010, the requirement in sections 3313.61 344
and 3313.611 of the Revised Code that a person must successfully 345
complete the curriculum of a high school prior to receiving a 346
high school diploma shall be met by completing the requirements 347
prescribed in division (C) of section 3313.603 of the Revised 348
Code, unless the person qualifies under division (D) or (F) of 349
that section. Each school shall comply with the plan for 350
awarding high school credit based on demonstration of subject 351
area competency, and beginning with the 2017-2018 school year, 352
with the updated plan that permits students enrolled in seventh 353
and eighth grade to meet curriculum requirements based on 354
subject area competency adopted by the state board of education 355
under divisions (J) (1) and (2) of section 3313.603 of the 356
Revised Code. Beginning with the 2018-2019 school year, the 357
school shall comply with the framework for granting units of 358
high school credit to students who demonstrate subject area 359
competency through work-based learning experiences, internships, 360
or cooperative education developed by the department under 361

division (J) (3) of section 3313.603 of the Revised Code. 362

(g) The school governing authority will submit within four 363
months after the end of each school year a report of its 364
activities and progress in meeting the goals and standards of 365
divisions (A) (3) and (4) of this section and its financial 366
status to the sponsor and the parents of all students enrolled 367
in the school. 368

(h) The school, unless it is an internet- or computer- 369
based community school, will comply with section 3313.801 of the 370
Revised Code as if it were a school district. 371

(i) If the school is the recipient of moneys from a grant 372
awarded under the federal race to the top program, Division (A), 373
Title XIV, Sections 14005 and 14006 of the "American Recovery 374
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 375
the school will pay teachers based upon performance in 376
accordance with section 3317.141 and will comply with section 377
3319.111 of the Revised Code as if it were a school district. 378

(j) If the school operates a preschool program that is 379
licensed by the department of education under sections 3301.52 380
to 3301.59 of the Revised Code, the school shall comply with 381
sections 3301.50 to 3301.59 of the Revised Code and the minimum 382
standards for preschool programs prescribed in rules adopted by 383
the state board under section 3301.53 of the Revised Code. 384

(k) The school will comply with sections 3313.6021 and 385
3313.6023 of the Revised Code as if it were a school district 386
unless it is either of the following: 387

(i) An internet- or computer-based community school; 388

(ii) A community school in which a majority of the 389
enrolled students are children with disabilities as described in 390

division (A) (4) (b) of section 3314.35 of the Revised Code.	391
(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code.	392 393 394 395
(12) Arrangements for providing health and other benefits to employees;	396 397
(13) The length of the contract, which shall begin at the beginning of an academic year. No contract shall exceed five years unless such contract has been renewed pursuant to division (E) of this section.	398 399 400 401
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	402 403
(15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year.	404 405 406
(16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code;	407 408 409 410
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided	411 412 413 414 415 416 417 418 419

the delegation is not prohibited by a collective bargaining 420
agreement applicable to such employees; 421

(18) Provisions establishing procedures for resolving 422
disputes or differences of opinion between the sponsor and the 423
governing authority of the community school; 424

(19) A provision requiring the governing authority to 425
adopt a policy regarding the admission of students who reside 426
outside the district in which the school is located. That policy 427
shall comply with the admissions procedures specified in 428
sections 3314.06 and 3314.061 of the Revised Code and, at the 429
sole discretion of the authority, shall do one of the following: 430

(a) Prohibit the enrollment of students who reside outside 431
the district in which the school is located; 432

(b) Permit the enrollment of students who reside in 433
districts adjacent to the district in which the school is 434
located; 435

(c) Permit the enrollment of students who reside in any 436
other district in the state. 437

(20) A provision recognizing the authority of the 438
department of education to take over the sponsorship of the 439
school in accordance with the provisions of division (C) of 440
section 3314.015 of the Revised Code; 441

(21) A provision recognizing the sponsor's authority to 442
assume the operation of a school under the conditions specified 443
in division (B) of section 3314.073 of the Revised Code; 444

(22) A provision recognizing both of the following: 445

(a) The authority of public health and safety officials to 446
inspect the facilities of the school and to order the facilities 447

closed if those officials find that the facilities are not in 448
compliance with health and safety laws and regulations; 449

(b) The authority of the department of education as the 450
community school oversight body to suspend the operation of the 451
school under section 3314.072 of the Revised Code if the 452
department has evidence of conditions or violations of law at 453
the school that pose an imminent danger to the health and safety 454
of the school's students and employees and the sponsor refuses 455
to take such action. 456

(23) A description of the learning opportunities that will 457
be offered to students including both classroom-based and non- 458
classroom-based learning opportunities that is in compliance 459
with criteria for student participation established by the 460
department under division (H) (2) of section 3314.08 of the 461
Revised Code; 462

(24) The school will comply with sections 3302.04 and 463
3302.041 of the Revised Code, except that any action required to 464
be taken by a school district pursuant to those sections shall 465
be taken by the sponsor of the school. However, the sponsor 466
shall not be required to take any action described in division 467
(F) of section 3302.04 of the Revised Code. 468

(25) Beginning in the 2006-2007 school year, the school 469
will open for operation not later than the thirtieth day of 470
September each school year, unless the mission of the school as 471
specified under division (A) (2) of this section is solely to 472
serve dropouts. In its initial year of operation, if the school 473
fails to open by the thirtieth day of September, or within one 474
year after the adoption of the contract pursuant to division (D) 475
of section 3314.02 of the Revised Code if the mission of the 476
school is solely to serve dropouts, the contract shall be void. 477

(26) Whether the school's governing authority is planning 478
to seek designation for the school as a STEM school equivalent 479
under section 3326.032 of the Revised Code; 480

(27) That the school's attendance and participation 481
policies will be available for public inspection; 482

(28) That the school's attendance and participation 483
records shall be made available to the department of education, 484
auditor of state, and school's sponsor to the extent permitted 485
under and in accordance with the "Family Educational Rights and 486
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 487
and any regulations promulgated under that act, and section 488
3319.321 of the Revised Code; 489

(29) If a school operates using the blended learning 490
model, as defined in section 3301.079 of the Revised Code, all 491
of the following information: 492

(a) An indication of what blended learning model or models 493
will be used; 494

(b) A description of how student instructional needs will 495
be determined and documented; 496

(c) The method to be used for determining competency, 497
granting credit, and promoting students to a higher grade level; 498

(d) The school's attendance requirements, including how 499
the school will document participation in learning 500
opportunities; 501

(e) A statement describing how student progress will be 502
monitored; 503

(f) A statement describing how private student data will 504
be protected; 505

(g) A description of the professional development activities that will be offered to teachers.	506 507
(30) A provision requiring that all moneys the school's operator loans to the school, including facilities loans or cash flow assistance, must be accounted for, documented, and bear interest at a fair market rate;	508 509 510 511
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	512 513 514 515 516
(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence.	517 518 519 520 521
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	522 523 524
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	525 526 527
(1) The process by which the governing authority of the school will be selected in the future;	528 529
(2) The management and administration of the school;	530
(3) If the community school is a currently existing public school or educational service center building, alternative arrangements for current public school students who choose not	531 532 533

to attend the converted school and for teachers who choose not 534
to teach in the school or building after conversion; 535

(4) The instructional program and educational philosophy 536
of the school; 537

(5) Internal financial controls. 538

When submitting the plan under this division, the school 539
shall also submit copies of all policies and procedures 540
regarding internal financial controls adopted by the governing 541
authority of the school. 542

(C) A contract entered into under section 3314.02 of the 543
Revised Code between a sponsor and the governing authority of a 544
community school may provide for the community school governing 545
authority to make payments to the sponsor, which is hereby 546
authorized to receive such payments as set forth in the contract 547
between the governing authority and the sponsor. The total 548
amount of such payments for monitoring, oversight, and technical 549
assistance of the school shall not exceed three per cent of the 550
total amount of payments for operating expenses that the school 551
receives from the state. 552

(D) The contract shall specify the duties of the sponsor 553
which shall be in accordance with the written agreement entered 554
into with the department of education under division (B) of 555
section 3314.015 of the Revised Code and shall include the 556
following: 557

(1) Monitor the community school's compliance with all 558
laws applicable to the school and with the terms of the 559
contract; 560

(2) Monitor and evaluate the academic and fiscal 561
performance and the organization and operation of the community 562

school on at least an annual basis;	563
(3) Report on an annual basis the results of the	564
evaluation conducted under division (D)(2) of this section to	565
the department of education and to the parents of students	566
enrolled in the community school;	567
(4) Provide technical assistance to the community school	568
in complying with laws applicable to the school and terms of the	569
contract;	570
(5) Take steps to intervene in the school's operation to	571
correct problems in the school's overall performance, declare	572
the school to be on probationary status pursuant to section	573
3314.073 of the Revised Code, suspend the operation of the	574
school pursuant to section 3314.072 of the Revised Code, or	575
terminate the contract of the school pursuant to section 3314.07	576
of the Revised Code as determined necessary by the sponsor;	577
(6) Have in place a plan of action to be undertaken in the	578
event the community school experiences financial difficulties or	579
closes prior to the end of a school year.	580
(E) Upon the expiration of a contract entered into under	581
this section, the sponsor of a community school may, with the	582
approval of the governing authority of the school, renew that	583
contract for a period of time determined by the sponsor, but not	584
ending earlier than the end of any school year, if the sponsor	585
finds that the school's compliance with applicable laws and	586
terms of the contract and the school's progress in meeting the	587
academic goals prescribed in the contract have been	588
satisfactory. Any contract that is renewed under this division	589
remains subject to the provisions of sections 3314.07, 3314.072,	590
and 3314.073 of the Revised Code.	591

(F) If a community school fails to open for operation 592
within one year after the contract entered into under this 593
section is adopted pursuant to division (D) of section 3314.02 594
of the Revised Code or permanently closes prior to the 595
expiration of the contract, the contract shall be void and the 596
school shall not enter into a contract with any other sponsor. A 597
school shall not be considered permanently closed because the 598
operations of the school have been suspended pursuant to section 599
3314.072 of the Revised Code. 600

Sec. 3326.11. Each science, technology, engineering, and 601
mathematics school established under this chapter and its 602
governing body shall comply with sections 9.90, 9.91, 109.65, 603
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 604
3301.0714, 3301.0715, 3301.0729, 3301.948, 3302.037, 3313.14, 605
3313.15, 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 606
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 607
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 608
3313.6021, 3313.6024, 3313.6025, 3313.6026, 3313.6027, 3313.61, 609
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 610
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 611
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 612
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 613
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 614
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 615
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.318, 616
3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 617
3319.41, 3319.45, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 618
3321.041, 3321.05, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 619
3321.19, 3321.191, 3323.251, 3327.10, 4111.17, 4113.52, 620
5502.262, and 5705.391 and Chapters 102., 117., 1347., 2744., 621
3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 622

the Revised Code as if it were a school district. 623

Sec. 3345.0215. (A) As used in this section: 624

(1) "Divisive concepts" and "promote" or "promotion" have 625
the same meanings as in section 3313.6027 of the Revised Code. 626

(2) "State institution of higher education" has the same 627
meaning as in section 3345.011 of the Revised Code. 628

(B) (1) No state moneys shall be expended by any state 629
institution of higher education in support or promotion of any 630
divisive concept. 631

(2) No employee of a state institution of higher education 632
shall face any penalty or discrimination on account of the 633
employee's refusal to support, believe, endorse, embrace, 634
confess, act upon, or otherwise assent to divisive concepts. No 635
employee shall be required to complete a curriculum promoting 636
divisive concepts as a condition or prerequisite of employment. 637

(3) No state institution of higher education shall do 638
either of the following: 639

(a) Include as part of new student or freshman orientation 640
teaching, instruction, or training promoting divisive concepts; 641

(b) Require any student to complete any course that 642
contains instruction on divisive concepts as a condition of 643
selecting a particular major in any undergraduate program. 644
However, this provision shall not be construed to prohibit a 645
student from voluntarily taking additional courses that focus 646
on, or incorporate, divisive concepts. 647

(C) The board of trustees of each state institution of 648
higher education shall update the institution's policy on 649
faculty tenure prescribed by section 3345.45 of the Revised Code 650

to reflect the principles contained in this section. 651

(D) The board of trustees of each state institution of higher education shall do the following: 652
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(1) Review the institution's respective grant and scholarship programs to identify which programs may require grant or scholarship recipients, as a condition of receiving a grant or scholarship from the institution, to certify that the recipient shall not use grant or scholarship funds to promote divisive concepts; 654
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(2) Review all training programs for employees relating to diversity, equity, or inclusion to ensure the programs comply with the requirements of this section. If a training program provided by a contracted entity relates to diversity, equity or inclusion that advocates or promotes divisive concepts and violates the applicable contract, the board of trustees shall evaluate whether to pursue debarment of the contractor, consistent with applicable law and regulation. 660
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(3) Ensure that divisive concepts are not advocated, acted upon, or promoted by the state institution, the institution's employees during work hours, or any contractor hired by the institution to provide training, workshops, forums, or similar programming to the institution's employees; 668
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(4) Encourage employees not to judge each other by their nationality, race, color, ethnicity, sex, or any other characteristic protected by federal or state law; 673
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(5) Issue to all employees the policy developed under division (E)(1) of this section, annually review and assess the institution's compliance with the policy, and submit a report to the department of higher education regarding the institution's 676
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compliance. At least one employee of the institution shall be 680
responsible for ensuring compliance with the requirements of the 681
policy. 682

(E) The chancellor of higher education shall do all of the 683
following: 684

(1) Develop a policy that complies with the requirements 685
of this section and incorporates the requirements of diversity, 686
equity, and inclusion efforts and encourages employees of state 687
institutions of higher education not to judge each other by 688
their nationality, race, color, ethnicity, religion, sex, or any 689
other characteristic protected by federal or state law. To the 690
extent that it is appropriate for use by state institutions of 691
higher education, the policy shall be substantially similar to 692
the policy developed by the department of administrative 693
services pursuant to division (E)(1) of section 4113.35 of the 694
Revised Code. 695

(2) Establish rules in accordance with Chapter 119. of the 696
Revised Code for the implementation and enforcement of the 697
policy; 698

(3) Prepare a biennial report regarding adoption and 699
enforcement of this section and submit the report to the general 700
assembly in accordance with section 101.68 of the Revised Code. 701
The report shall provide detailed information for each violation 702
found under section 3345.0216 of the Revised Code. The 703
chancellor shall submit the report not later than the last day 704
of November of each even numbered year, beginning in 2022. 705

(F) Nothing in this section shall be construed to prohibit 706
any of the following: 707

(1) Discussing or using supplemental instructional 708

materials, as part of a larger course of academic instruction, 709
to teach about divisive concepts in an objective manner and 710
without endorsement. Such materials may include the following: 711

(a) The history of an ethnic group, as described in 712
textbooks and instructional materials selected in accordance 713
with the textbook selection policy adopted in accordance with 714
section 3345.025 of the Revised Code; 715

(b) The discussion of controversial aspects of history; 716

(c) The instruction on the historical oppression of a 717
particular group of people based on race, ethnicity, class, 718
nationality, religion, or geographic region; 719

(d) Historical documents permitted under statutory law, 720
such as the national motto, the national anthem, the Ohio 721
Constitution, the United States Constitution, the Revised Code, 722
federal law, and United States Supreme Court decisions. 723

(2) In a course of instruction on public speaking, speech, 724
formal debate, or substantially similar subject matter, any of 725
the following: 726

(a) The assignment of research, topics of debate, public 727
speaking prompts, or other tasks that are controversial or 728
addresses a divisive concept, provided the professor does not 729
promote adherence to any divisive concept; 730

(b) The assignment of a grade or score for completion or 731
partial completion of research, debate, public speaking, or 732
other task, provided the grade or score is calculated using 733
ordinary academic standards of substance and relevance, 734
including any legitimate pedagogical concerns. No student's 735
grade shall be negatively affected by the student's refusal to 736
express belief or support for a divisive concept. 737

(c) Questions posed by a professor that are meant to 738
promote discussion between students, provided the professor does 739
not promote adherence to divisive concepts; 740

(d) Respectful student to student discussion or debate, 741
notwithstanding the fact it may address divisive concepts, 742
provided the professor does not participate except to enforce 743
classroom decorum or rules of the state institution of higher 744
education; 745

(e) Student research, practice, public speaking, other 746
assigned tasks, and questions, including advocacy of a student's 747
own perspectives or volunteering. 748

Sec. 3345.0216. (A) A founding principle of the United 749
States of America is freedom of speech and of thought. It is the 750
fundamental purpose of this section to protect those rights. 751
Academic freedom involves protecting the student's right to 752
inquiry without indoctrination toward any preferred philosophy 753
or religion, especially through the coercion of grades, class 754
status, and opportunities. 755

(B) A student enrolled in a state institution of higher 756
education, as defined in section 3345.011 of the Revised Code, 757
who believes the student has been discriminated against or 758
penalized by failure to adhere to a divisive concept, as defined 759
in division (A) of section 3313.6027 of the Revised Code, or 760
whose grade is negatively impacted by refusal to express belief 761
in or support for a divisive concept may file a grievance using 762
the state institution's standard student grievance process, 763
provided that process affords the student a due process hearing 764
during which the student and the professor being accused have 765
the opportunity to be heard and present testimony. The state 766
institution shall determine whether a violation of section 767

3345.0215 of the Revised Code has occurred within fourteen days 768
of the receipt of the complaint. 769

(C) If the student's complaint is denied by the state 770
institution, the student may appeal to the chancellor of higher 771
education. The chancellor shall review the appeal within 772
fourteen days of the filing of the appeal. The chancellor shall 773
either affirm or overrule the state institution's decision based 774
on the provisions of this section and section 3345.0215 of the 775
Revised Code. 776

(1) If the chancellor overrules the determination made by 777
the state institution, the institution shall be considered to 778
have violated the provisions of section 3345.0215 of the Revised 779
Code. In this case, the chancellor shall withhold the 780
institution's state share of instruction in proportion to the 781
total number of students enrolled in the class for which the 782
student filed a complaint. 783

(2) If a state institution complies with division (D) of 784
this section within thirty days after the date of the 785
determination that a violation occurred, the chancellor shall 786
restore the full amount of funds withheld. If a state 787
institution does not comply within thirty days, the state 788
institution shall forfeit those moneys, and the chancellor shall 789
credit them to the general revenue fund. 790

(3) If the state institution receives monthly payments, 791
the funds shall be withheld over the semester following the 792
violation. If the state institution receives annual payments, a 793
lump sum shall be withheld annually for any semesters with a 794
violation. 795

(D) The state institution shall do all of the following if 796

it is found to have committed a violation under this section, in 797
accordance with division (C) of this section: 798

(1) Redact any grade the student received associated with 799
the class for which the student filed a complaint; 800

(2) Modify the student's transcript to reflect the 801
redaction prescribed by division (D)(1) of this section; 802

(3) Refund and credit the tuition associated with that 803
class to the individual or entity who paid that tuition. 804

(E) If the state institution determines that a violation 805
has been committed under division (B) of this section, the state 806
institution shall comply with division (D) of this section if 807
the student who filed the complaint so requests it. 808

Sec. 4113.35. (A) As used in this section: 809

(1) "Divisive concepts" has the same meaning as in section 810
3313.6027 of the Revised Code. 811

(2) "State agency" means every organized body, office, or 812
agency established by the laws of the state for the exercise of 813
any function of state government, the public employees 814
retirement system, the Ohio police and fire pension fund, the 815
state teachers retirement system, the school employees 816
retirement system, and the state highway patrol retirement 817
system. 818

(3) "Political subdivision" has the same meaning as in 819
section 9.23 of the Revised Code. 820

(B)(1) No state agency or political subdivision shall 821
offer teaching, instruction, or training promoting divisive 822
concepts to any employees, contractors, staff members, or any 823
other individual or group or require them to adopt or believe in 824

divisive concepts. 825

(2) No state employee or political subdivision employee shall face any penalty or discrimination on account of the employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts. No state employee or political subdivision employee shall be required to complete a curriculum promoting divisive concepts as a condition or prerequisite of employment. 826
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(3) No state agency or political subdivision shall accept federal grants or private funding for the purpose of developing curriculum, purchasing or selecting course materials or curriculum, or providing training or professional development for a course that promotes divisive concepts. No moneys shall be expended by any state agency or political subdivision in support or promotion of any divisive concept. 833
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(C) The administrative head of each state agency shall do the following: 840
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a condition of receiving a grant from the agency, to certify that the recipient shall not use grant funds to promote divisive concepts. 842
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(2) Review all training programs for agency employees relating to diversity, equity, or inclusion to ensure the programs comply with the requirements of division (B) of this section. If a training program provided by a contracted entity relates to diversity, equity, or inclusion that advocates or promotes divisive concepts and violates the applicable contract, the agency head shall evaluate whether to pursue debarment of 847
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the contractor, consistent with applicable law and regulation. 854

(3) Ensure that divisive concepts are not advocated, acted upon, or promoted by the agency, the agency's employees during work hours, or any contractor hired by the agency to provide training, workshops, forums, or similar programming to the agency's employees; 855
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(4) Encourage agency employees not to judge each other by their nationality, race, color, ethnicity, religion, sex, or any other characteristic protected by federal or state law; 860
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(5) Issue to all agency employees the policy developed under division (E) of this section, annually review and assess the agency's compliance with the policy, and submit a report to the department of administrative services regarding the agency's compliance. At least one employee of the agency shall be responsible for ensuring compliance with the requirements of the policy. 863
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(D) The legislative authority of each political subdivision shall do the following: 870
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(1) Review the political subdivision's respective grant programs to identify which programs may require grant recipients, as a condition of receiving a grant from the political subdivision, to certify that the recipient shall not use grant funds to promote divisive concepts; 872
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(2) Review all training programs for political subdivision employees relating to diversity, equity, or inclusion to ensure the programs comply with the requirements of division (B) of this section. If a training program provided by a contracted entity relates to diversity, equity, or inclusion that advocates or promotes divisive concepts and violates the applicable 877
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contract, the legislative authority of the political subdivision 883
shall evaluate whether to pursue debarment of the contractor, 884
consistent with applicable law and regulation. 885

(3) Ensure that divisive concepts are not advocated, acted 886
upon, or promoted by the political subdivision, the political 887
subdivision's employees during work hours, or any contractor 888
hired by the political subdivision to provide training, 889
workshops, forums, or similar programming to the political 890
subdivision's employees; 891

(4) Encourage political subdivision employees not to judge 892
each other by their nationality, race, color, ethnicity, 893
religion, sex, or any other characteristic protected by federal 894
or state law; 895

(5) Issue to all political subdivision employees the 896
policy developed under division (E) of this section, annually 897
review and assess the political subdivision's compliance with 898
the policy, and submit a report to the department of 899
administrative services regarding the political subdivision's 900
compliance. At least one employee of the political subdivision 901
shall be responsible for ensuring compliance with the 902
requirements of the policy. 903

(E) (1) The department of administrative services shall 904
develop a policy that complies with the requirements of this 905
section and incorporates the requirements of diversity and 906
inclusion efforts and encourages state employees and political 907
subdivision employees not to judge each other by their 908
nationality, race, color, ethnicity, religion, sex, or any other 909
characteristic protected by federal or state law. 910

(2) The department shall submit the proposed policy to the 911

joint committee on agency rule review, created in section 101.35 912
of the Revised Code. When the department submits that policy, 913
the joint committee on agency rule review shall do both of the 914
following: 915

(a) Hold at least one public hearing at which testimony 916
may be presented; 917

(b) Vote to determine whether to approve the policy. 918

(3) Once the policy is approved, the department shall make 919
it available to political subdivisions for voluntary use. 920

(4) The department shall establish rules in accordance 921
with Chapter 119. of the Revised Code for the implementation and 922
enforcement of the policy. 923

(5) The department shall prepare a biennial report 924
regarding compliance with this section by state and political 925
subdivision employees and submit the report to the general 926
assembly in accordance with section 101.68 of the Revised Code. 927
The department shall submit the report not later than the last 928
day of November of each even numbered year, beginning in 2022. 929

(F) Nothing in this section shall be construed to prohibit 930
discussing or using supplemental instructional materials, as 931
part of a larger course of academic instruction or training, to 932
teach about divisive concepts in an objective manner and without 933
endorsement. Such materials may include the following: 934

(1) The history of an ethnic group, as described in 935
textbooks and instructional materials adopted in accordance with 936
statutory law concerning textbooks and instructional materials; 937

(2) The discussion of controversial aspects of history; 938

(3) The instruction on the historical oppression of a 939

particular group of people based on nationality, race, color, 940
ethnicity, religion, or sex; 941

(4) Historical documents permitted under statutory law, 942
such as the national motto, the national anthem, the Ohio 943
Constitution, the United States Constitution, the Revised Code, 944
federal law, and United States Supreme Court decisions. 945

Section 2. That existing sections 3313.21, 3314.03, and 946
3326.11 of the Revised Code are hereby repealed. 947

Section 3. This act shall be known as "The Promoting 948
Education, Not Indoctrination Act." 949

Section 4. The General Assembly, applying the principle 950
stated in division (B) of section 1.52 of the Revised Code that 951
amendments are to be harmonized if reasonably capable of 952
simultaneous operation, finds that the following sections, 953
presented in this act as composites of the sections as amended 954
by the acts indicated, are the resulting versions of the 955
sections in effect prior to the effective date of the sections 956
as presented in this act: 957

Section 3314.03 of the Revised Code as amended by both 958
H.B. 82 and H.B. 110 of the 134th General Assembly. 959

Section 3326.11 of the Revised Code as amended by both 960
H.B. 82 and H.B. 110 of the 134th General Assembly. 961