

I\_134\_1448-4

134th General Assembly  
Regular Session  
2021-2022

Sub. H. B. No. 327

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**A BILL**

To amend sections 3313.21, 3314.03, and 3326.11 and 1  
to enact sections 3313.6027, 3345.0215, and 2  
4113.35 of the Revised Code to enact "The 3  
Promoting Education, Not Indoctrination Act" 4  
regarding the teaching of divisive concepts by 5  
primary and secondary schools, state 6  
institutions of higher education, political 7  
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, and 4113.35 of the 10  
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
<b><u>Sec. 3313.6027.</u></b> (A) As used in this section:	31
<u>(1) "Divisive concepts" means the concepts that:</u>	32
<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>	33 34 35 36
<u>(b) The United States is fundamentally racist or sexist.</u>	37
<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>	38 39 40 41
<u>(d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, race, color, ethnicity, religion, or</u>	42 43 44

sex. 45

(e) Members of one nationality, race, color, ethnicity, 46  
religion, or sex attempt to treat others disrespectfully based 47  
upon nationality, race, color, ethnicity, religion, or sex. 48

(f) An individual's moral character is necessarily 49  
determined by the individual's nationality, race, color, 50  
ethnicity, religion, or sex. 51

(g) An individual, by virtue of the individual's 52  
nationality, race, color, ethnicity, religion, or sex, bears 53  
responsibility for actions committed in the past by other 54  
members of the same nationality, race, color, ethnicity, 55  
religion, or sex. 56

(h) Meritocracy or traits such as a hard work ethic are 57  
racist or sexist or were created by a particular nationality, 58  
race, color, ethnicity, religion, or sex to oppress another 59  
nationality, race, color, ethnicity, religion, or sex. 60

(i) Any other form of race or sex stereotyping or any 61  
other form of race or sex scapegoating. 62

(2) "Race or sex stereotyping" means ascribing character 63  
traits, values, moral and ethical codes, privileges, status, or 64  
beliefs to a nationality, race, color, ethnicity, religion, or 65  
sex or to an individual because of the individual's nationality, 66  
race, color, ethnicity, religion, or sex. 67

(3) "Race or sex scapegoating" means assigning fault, 68  
blame, or bias to a nationality, race, color, ethnicity, 69  
religion, or sex or to members of a nationality, race, color, 70  
ethnicity, religion, or sex because of their nationality, race, 71  
color, ethnicity, religion, or sex. It also includes any claim 72  
that consciously or unconsciously, and by virtue of their 73

nationality, race, color, ethnicity, religion, or sex, members 74  
of any nationality, race, color, ethnicity, or religion are 75  
inherently racist or are inherently inclined to oppress others 76  
or members of a sex are inherently sexist or are inherently 77  
inclined to oppress others. 78

(4) "State scholarship program" has the same meaning as in 79  
section 3301.0711 of the Revised Code. 80

(B)(1) No school district, community school established 81  
under Chapter 3314. of the Revised Code, STEM school established 82  
under Chapter 3326. of the Revised Code, nonpublic school that 83  
enrolls students who are participating in a state scholarship 84  
program, or school building operated by a school district or 85  
school shall teach, instruct, train, or promote professional 86  
development in any divisive concepts, nor shall any school 87  
district, school, or building require a student to advocate for 88  
or against a specific topic or point of view to receive credit 89  
across every subject area for any coursework or for graduation 90  
credit. 91

(2) No state agency, school district, school building, or 92  
teacher shall apply for any federal grants or accept private 93  
funding for the purpose of developing a curriculum, purchasing 94  
or selecting a curriculum or course materials, or providing 95  
teacher training or professional development for a course 96  
promoting divisive concepts. No moneys shall be expended in 97  
support of teaching divisive concepts. 98

(3) No school teacher, administrator, or other school 99  
employee shall face any penalty or discrimination on account of 100  
the school teacher's, administrator's, or other school 101  
employee's refusal to support, believe, endorse, embrace, 102  
confess, act upon, or otherwise assent to divisive concepts. No 103

school teacher, administrator, or other school employee shall be 104  
required to complete a curriculum including divisive concepts as 105  
a condition or prerequisite of employment. 106

(C)(1) If the superintendent of public instruction 107  
determines through a confirmed report from a student, parent, 108  
teacher, or community member that any school district knowingly 109  
or recklessly violates the prohibitions prescribed in division 110  
(B) of this section, the department of education shall withhold 111  
state funding from the district or school in the following 112  
amounts: 113

(a) For a first offense, twenty-five per cent; 114

(b) For a second offense, fifty per cent; 115

(c) For a third offense, one hundred per cent. 116

The withholding of funds described in division (C)(1) of 117  
this section shall remain in effect until such time as the state 118  
superintendent confirms the district or school no longer is in 119  
violation of division (B) of this section. 120

(2) If the state board of education determines through a 121  
confirmed report from a student, parent, teacher, or community 122  
member that a teacher, principal, or school district 123  
superintendent knowingly or recklessly violates the prohibitions 124  
prescribed by division (B) of this section, the state board 125  
shall take the following action: 126

(a) For a first offense, issue an official licensure 127  
admonishment; 128

(b) For a second offense, suspend the teacher's, 129  
principal's, or superintendent's licensure for a period of time 130  
determined by the state board based upon the severity and 131

circumstances of the offense that led to the suspension; 132

(c) For a third offense, revoke the teacher's, 133  
principal's, or superintendent's licensure for a period of time 134  
determined by the state board based upon the severity and 135  
circumstances of the offense that led to the suspension. 136

(D) (1) If a student completes a course that includes any 137  
of the concepts described in division (A) (1) of this section, 138  
that course shall not count towards the requirements for high 139  
school graduation specified in section 3313.603 of the Revised 140  
Code. 141

(2) (a) The parent, guardian, or custodian of any student 142  
who, by way of a violation of this section, is subjected to 143  
indoctrination of divisive concepts in order to receive a class 144  
grade or graduation credit, may bring a civil action against the 145  
school, school district, or school employee responsible for the 146  
violation. 147

(b) Notwithstanding Chapter 2744. of the Revised Code, a 148  
school, school district, or school employee is not immune from 149  
liability in damages in a civil action as provided under 150  
division (D) (2) (a) of this section. 151

(E) (1) The state board shall adopt rules to govern 152  
implementation of and monitor compliance with the provisions of 153  
this section. 154

(2) At no time shall the state board adopt any standards, 155  
model curricula, professional development resources, classroom 156  
resources, or assessments including divisive concepts as 157  
described in this section. 158

(3) The state board shall prepare an annual report 159  
regarding the adoption and enforcement of this section and 160

submit the report to the general assembly in accordance with 161  
section 101.68 of the Revised Code. The report shall provide 162  
detailed information on any confirmed report submitted in 163  
accordance with division (C)(1) or (2) of this section and a 164  
copy of each complaint filed in accordance with division (D)(1) 165  
of this section. The state board shall submit the report on or 166  
before the last day of June each year, beginning in 2022. 167

(F) Nothing in this section shall be construed to prohibit 168  
any of the following: 169

(1) Discussing or using supplemental instructional 170  
materials, as part of a larger course of academic instruction, 171  
to teach about divisive concepts in an objective manner and 172  
without endorsement. Such materials may include the following: 173

(a) The history of an ethnic group, as described in 174  
textbooks and instructional materials selected by each school 175  
district in accordance with section 3313.21 of the Revised Code; 176

(b) The impartial discussion of controversial aspects of 177  
history; 178

(c) The impartial instruction on the historical oppression 179  
of a particular group of people based on nationality, race, 180  
color, ethnicity, religion, sex, class, or geographic region; 181

(d) Historical documents permitted under statutory law, 182  
such as the national motto, the national anthem, the Ohio 183  
Constitution, the United States Constitution, the Revised Code, 184  
federal law, and United States Supreme Court decisions. 185

(2) In a course of instruction on public speaking, speech, 186  
formal debate, or substantially similar subject matter, any of 187  
the following: 188

(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 lead or participate in discussion on the merits of any divisive concept; 189  
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(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. The teacher shall not penalize or reward a student based upon the content of the student's work but may consider the quality of that work. 194  
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(c) Unbiased and impartial questions posed by a teacher that are meant to promote discussion between students, provided the teacher does not participate in that discussion and does not comment upon any divisive content contained in the student's work; 201  
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(d) Respectful student-to-student discussion or debate, notwithstanding the fact it may address divisive concepts, provided the teacher does not participate except to enforce classroom decorum or school rules; 206  
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(e) Student research, practice, public speaking, other assigned tasks, and questions. 210  
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**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. 212  
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(A) Each contract entered into between a sponsor and the 217



governing authority of a community school shall specify the	218
following:	219
(1) That the school shall be established as either of the	220
following:	221
(a) A nonprofit corporation established under Chapter	222
1702. of the Revised Code, if established prior to April 8,	223
2003;	224
(b) A public benefit corporation established under Chapter	225
1702. of the Revised Code, if established after April 8, 2003.	226
(2) The education program of the school, including the	227
school's mission, the characteristics of the students the school	228
is expected to attract, the ages and grades of students, and the	229
focus of the curriculum;	230
(3) The academic goals to be achieved and the method of	231
measurement that will be used to determine progress toward those	232
goals, which shall include the statewide achievement	233
assessments;	234
(4) Performance standards, including but not limited to	235
all applicable report card measures set forth in section 3302.03	236
or 3314.017 of the Revised Code, by which the success of the	237
school will be evaluated by the sponsor;	238
(5) The admission standards of section 3314.06 of the	239
Revised Code and, if applicable, section 3314.061 of the Revised	240
Code;	241
(6) (a) Dismissal procedures;	242
(b) A requirement that the governing authority adopt an	243
attendance policy that includes a procedure for automatically	244
withdrawing a student from the school if the student without a	245

legitimate excuse fails to participate in seventy-two	246
consecutive hours of the learning opportunities offered to the	247
student.	248
(7) The ways by which the school will achieve racial and	249
ethnic balance reflective of the community it serves;	250
(8) Requirements for financial audits by the auditor of	251
state. The contract shall require financial records of the	252
school to be maintained in the same manner as are financial	253
records of school districts, pursuant to rules of the auditor of	254
state. Audits shall be conducted in accordance with section	255
117.10 of the Revised Code.	256
(9) An addendum to the contract outlining the facilities	257
to be used that contains at least the following information:	258
(a) A detailed description of each facility used for	259
instructional purposes;	260
(b) The annual costs associated with leasing each facility	261
that are paid by or on behalf of the school;	262
(c) The annual mortgage principal and interest payments	263
that are paid by the school;	264
(d) The name of the lender or landlord, identified as	265
such, and the lender's or landlord's relationship to the	266
operator, if any.	267
(10) Qualifications of teachers, including a requirement	268
that the school's classroom teachers be licensed in accordance	269
with sections 3319.22 to 3319.31 of the Revised Code, except	270
that a community school may engage noncertificated persons to	271
teach up to twelve hours or forty hours per week pursuant to	272
section 3319.301 of the Revised Code.	273

(11) That the school will comply with the following requirements:	274 275
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred twenty hours per school year.	276 277 278
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	279 280 281
(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.	282 283 284 285
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, <u>3313.6027</u> , 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the	286 287 288 289 290 291 292 293 294 295 296 297 298 299 300 301 302 303

Revised Code. 304

(e) The school shall comply with Chapter 102. and section 305  
2921.42 of the Revised Code. 306

(f) The school will comply with sections 3313.61, 307  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 308  
Revised Code, except that for students who enter ninth grade for 309  
the first time before July 1, 2010, the requirement in sections 310  
3313.61 and 3313.611 of the Revised Code that a person must 311  
successfully complete the curriculum in any high school prior to 312  
receiving a high school diploma may be met by completing the 313  
curriculum adopted by the governing authority of the community 314  
school rather than the curriculum specified in Title XXXIII of 315  
the Revised Code or any rules of the state board of education. 316  
Beginning with students who enter ninth grade for the first time 317  
on or after July 1, 2010, the requirement in sections 3313.61 318  
and 3313.611 of the Revised Code that a person must successfully 319  
complete the curriculum of a high school prior to receiving a 320  
high school diploma shall be met by completing the requirements 321  
prescribed in division (C) of section 3313.603 of the Revised 322  
Code, unless the person qualifies under division (D) or (F) of 323  
that section. Each school shall comply with the plan for 324  
awarding high school credit based on demonstration of subject 325  
area competency, and beginning with the 2017-2018 school year, 326  
with the updated plan that permits students enrolled in seventh 327  
and eighth grade to meet curriculum requirements based on 328  
subject area competency adopted by the state board of education 329  
under divisions (J)(1) and (2) of section 3313.603 of the 330  
Revised Code. Beginning with the 2018-2019 school year, the 331  
school shall comply with the framework for granting units of 332  
high school credit to students who demonstrate subject area 333  
competency through work-based learning experiences, internships, 334

or cooperative education developed by the department under 335  
division (J) (3) of section 3313.603 of the Revised Code. 336

(g) The school governing authority will submit within four 337  
months after the end of each school year a report of its 338  
activities and progress in meeting the goals and standards of 339  
divisions (A) (3) and (4) of this section and its financial 340  
status to the sponsor and the parents of all students enrolled 341  
in the school. 342

(h) The school, unless it is an internet- or computer- 343  
based community school, will comply with section 3313.801 of the 344  
Revised Code as if it were a school district. 345

(i) If the school is the recipient of moneys from a grant 346  
awarded under the federal race to the top program, Division (A), 347  
Title XIV, Sections 14005 and 14006 of the "American Recovery 348  
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 349  
the school will pay teachers based upon performance in 350  
accordance with section 3317.141 and will comply with section 351  
3319.111 of the Revised Code as if it were a school district. 352

(j) If the school operates a preschool program that is 353  
licensed by the department of education under sections 3301.52 354  
to 3301.59 of the Revised Code, the school shall comply with 355  
sections 3301.50 to 3301.59 of the Revised Code and the minimum 356  
standards for preschool programs prescribed in rules adopted by 357  
the state board under section 3301.53 of the Revised Code. 358

(k) The school will comply with sections 3313.6021 and 359  
3313.6023 of the Revised Code as if it were a school district 360  
unless it is either of the following: 361

(i) An internet- or computer-based community school; 362

(ii) A community school in which a majority of the 363

enrolled students are children with disabilities as described in 364  
division (A) (4) (b) of section 3314.35 of the Revised Code. 365

(1) The school will comply with section 3321.191 of the 366  
Revised Code, unless it is an internet- or computer-based 367  
community school that is subject to section 3314.261 of the 368  
Revised Code. 369

(12) Arrangements for providing health and other benefits 370  
to employees; 371

(13) The length of the contract, which shall begin at the 372  
beginning of an academic year. No contract shall exceed five 373  
years unless such contract has been renewed pursuant to division 374  
(E) of this section. 375

(14) The governing authority of the school, which shall be 376  
responsible for carrying out the provisions of the contract; 377

(15) A financial plan detailing an estimated school budget 378  
for each year of the period of the contract and specifying the 379  
total estimated per pupil expenditure amount for each such year. 380

(16) Requirements and procedures regarding the disposition 381  
of employees of the school in the event the contract is 382  
terminated or not renewed pursuant to section 3314.07 of the 383  
Revised Code; 384

(17) Whether the school is to be created by converting all 385  
or part of an existing public school or educational service 386  
center building or is to be a new start-up school, and if it is 387  
a converted public school or service center building, 388  
specification of any duties or responsibilities of an employer 389  
that the board of education or service center governing board 390  
that operated the school or building before conversion is 391  
delegating to the governing authority of the community school 392

with respect to all or any specified group of employees provided 393  
the delegation is not prohibited by a collective bargaining 394  
agreement applicable to such employees; 395

(18) Provisions establishing procedures for resolving 396  
disputes or differences of opinion between the sponsor and the 397  
governing authority of the community school; 398

(19) A provision requiring the governing authority to 399  
adopt a policy regarding the admission of students who reside 400  
outside the district in which the school is located. That policy 401  
shall comply with the admissions procedures specified in 402  
sections 3314.06 and 3314.061 of the Revised Code and, at the 403  
sole discretion of the authority, shall do one of the following: 404

(a) Prohibit the enrollment of students who reside outside 405  
the district in which the school is located; 406

(b) Permit the enrollment of students who reside in 407  
districts adjacent to the district in which the school is 408  
located; 409

(c) Permit the enrollment of students who reside in any 410  
other district in the state. 411

(20) A provision recognizing the authority of the 412  
department of education to take over the sponsorship of the 413  
school in accordance with the provisions of division (C) of 414  
section 3314.015 of the Revised Code; 415

(21) A provision recognizing the sponsor's authority to 416  
assume the operation of a school under the conditions specified 417  
in division (B) of section 3314.073 of the Revised Code; 418

(22) A provision recognizing both of the following: 419

(a) The authority of public health and safety officials to 420

inspect the facilities of the school and to order the facilities 421  
closed if those officials find that the facilities are not in 422  
compliance with health and safety laws and regulations; 423

(b) The authority of the department of education as the 424  
community school oversight body to suspend the operation of the 425  
school under section 3314.072 of the Revised Code if the 426  
department has evidence of conditions or violations of law at 427  
the school that pose an imminent danger to the health and safety 428  
of the school's students and employees and the sponsor refuses 429  
to take such action. 430

(23) A description of the learning opportunities that will 431  
be offered to students including both classroom-based and non- 432  
classroom-based learning opportunities that is in compliance 433  
with criteria for student participation established by the 434  
department under division (H) (2) of section 3314.08 of the 435  
Revised Code; 436

(24) The school will comply with sections 3302.04 and 437  
3302.041 of the Revised Code, except that any action required to 438  
be taken by a school district pursuant to those sections shall 439  
be taken by the sponsor of the school. However, the sponsor 440  
shall not be required to take any action described in division 441  
(F) of section 3302.04 of the Revised Code. 442

(25) Beginning in the 2006-2007 school year, the school 443  
will open for operation not later than the thirtieth day of 444  
September each school year, unless the mission of the school as 445  
specified under division (A) (2) of this section is solely to 446  
serve dropouts. In its initial year of operation, if the school 447  
fails to open by the thirtieth day of September, or within one 448  
year after the adoption of the contract pursuant to division (D) 449  
of section 3314.02 of the Revised Code if the mission of the 450



school is solely to serve dropouts, the contract shall be void. 451

(26) Whether the school's governing authority is planning 452  
to seek designation for the school as a STEM school equivalent 453  
under section 3326.032 of the Revised Code; 454

(27) That the school's attendance and participation 455  
policies will be available for public inspection; 456

(28) That the school's attendance and participation 457  
records shall be made available to the department of education, 458  
auditor of state, and school's sponsor to the extent permitted 459  
under and in accordance with the "Family Educational Rights and 460  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 461  
and any regulations promulgated under that act, and section 462  
3319.321 of the Revised Code; 463

(29) If a school operates using the blended learning 464  
model, as defined in section 3301.079 of the Revised Code, all 465  
of the following information: 466

(a) An indication of what blended learning model or models 467  
will be used; 468

(b) A description of how student instructional needs will 469  
be determined and documented; 470

(c) The method to be used for determining competency, 471  
granting credit, and promoting students to a higher grade level; 472

(d) The school's attendance requirements, including how 473  
the school will document participation in learning 474  
opportunities; 475

(e) A statement describing how student progress will be 476  
monitored; 477

(f) A statement describing how private student data will be protected;	478 479
(g) A description of the professional development activities that will be offered to teachers.	480 481
(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;	482 483 484 485
(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.	486 487 488 489 490
(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.	491 492 493 494 495
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	496 497 498
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	499 500 501
(1) The process by which the governing authority of the school will be selected in the future;	502 503
(2) The management and administration of the school;	504
(3) If the community school is a currently existing public	505

school or educational service center building, alternative 506  
arrangements for current public school students who choose not 507  
to attend the converted school and for teachers who choose not 508  
to teach in the school or building after conversion; 509

(4) The instructional program and educational philosophy 510  
of the school; 511

(5) Internal financial controls. 512

When submitting the plan under this division, the school 513  
shall also submit copies of all policies and procedures 514  
regarding internal financial controls adopted by the governing 515  
authority of the school. 516

(C) A contract entered into under section 3314.02 of the 517  
Revised Code between a sponsor and the governing authority of a 518  
community school may provide for the community school governing 519  
authority to make payments to the sponsor, which is hereby 520  
authorized to receive such payments as set forth in the contract 521  
between the governing authority and the sponsor. The total 522  
amount of such payments for monitoring, oversight, and technical 523  
assistance of the school shall not exceed three per cent of the 524  
total amount of payments for operating expenses that the school 525  
receives from the state. 526

(D) The contract shall specify the duties of the sponsor 527  
which shall be in accordance with the written agreement entered 528  
into with the department of education under division (B) of 529  
section 3314.015 of the Revised Code and shall include the 530  
following: 531

(1) Monitor the community school's compliance with all 532  
laws applicable to the school and with the terms of the 533  
contract; 534

(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to the department of education and to the parents of students enrolled in the community school;

(4) Provide technical assistance to the community school in complying with laws applicable to the school and terms of the contract;

(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;

(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.

(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division

remains subject to the provisions of sections 3314.07, 3314.072, 564  
and 3314.073 of the Revised Code. 565

(F) If a community school fails to open for operation 566  
within one year after the contract entered into under this 567  
section is adopted pursuant to division (D) of section 3314.02 568  
of the Revised Code or permanently closes prior to the 569  
expiration of the contract, the contract shall be void and the 570  
school shall not enter into a contract with any other sponsor. A 571  
school shall not be considered permanently closed because the 572  
operations of the school have been suspended pursuant to section 573  
3314.072 of the Revised Code. 574

**Sec. 3326.11.** Each science, technology, engineering, and 575  
mathematics school established under this chapter and its 576  
governing body shall comply with sections 9.90, 9.91, 109.65, 577  
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 578  
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 579  
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 580  
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 581  
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 582  
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 583  
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 584  
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 585  
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 586  
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 587  
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 588  
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 589  
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 590  
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 591  
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 592  
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 593  
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 594

102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 595  
4123., 4141., and 4167. of the Revised Code as if it were a 596  
school district. 597

Sec. 3345.0215. (A) As used in this section, "divisive 598  
concepts" has the same meaning as in section 3313.6027 of the 599  
Revised Code. 600

(B) (1) No state institution of higher education shall 601  
offer teaching, instruction, or training on divisive concepts to 602  
any professors, employees, contractors, staff members, or any 603  
other individual or group or require them to adopt or believe in 604  
divisive concepts. 605

(2) No state institution of higher education shall accept 606  
federal grants or private funding for the purpose of developing 607  
curriculum, purchasing or selecting course materials or 608  
curriculum, or providing training or professional development 609  
for a course that promotes divisive concepts. No moneys shall be 610  
expended by any state institution of higher education in support 611  
or promotion of any divisive concept. 612

(3) No employee of a state institution of higher education 613  
shall face any penalty or discrimination on account of the 614  
employee's refusal to support, believe, endorse, embrace, 615  
confess, act upon, or otherwise assent to divisive concepts. No 616  
employee shall be required to complete a curriculum including 617  
divisive concepts as a condition or prerequisite of employment. 618

(4) No state institution of higher education shall include 619  
as part of new student or freshman orientation teaching, 620  
instruction, or training on divisive concepts. 621

(C) (1) If the chancellor of higher education determines 622  
through a confirmed report from a student, parent, professor, or 623

community member that any state institution of higher education 624  
violates the prohibitions prescribed in division (B) of this 625  
section, the department of higher education shall withhold state 626  
share of instruction funds from the institution in the following 627  
amounts: 628

(a) For a first offense, twenty-five per cent; 629

(b) For a second offense, fifty per cent; 630

(c) For a third offense, one hundred per cent. 631

The withholding of funds described in division (C) (1) of 632  
this section shall remain in effect until such time as the 633  
department confirms the state institution is no longer in 634  
violation of division (B) of this section. 635

(2) (a) The board of trustees of each state institution of 636  
higher education shall update the institution's policy on 637  
faculty tenure prescribed by section 3345.45 of the Revised Code 638  
to reflect the principles contained in this section. 639

(b) The board of trustees, the president of the state 640  
institution of higher education, or other entity or 641  
administrative official primarily responsible for making 642  
employment and tenure decisions shall consider as a negative 643  
factor in employment and tenure decisions any confirmed reports 644  
made by a student, parent, colleague, or community member that a 645  
faculty member or other employee knowingly or recklessly 646  
violates the provisions prescribed by division (B) of this 647  
section. 648

(D) The board of trustees of each state institution of 649  
higher education shall, in addition to the responsibilities 650  
prescribed by division (C) (2) of this section, do the following: 651

(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; 652  
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(2) Review all training programs for employees relating to diversity 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 or inclusion that teaches, 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. 658  
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(3) Ensure that divisive concepts are not taught, 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; 666  
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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; 671  
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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 compliance. At least one employee of the institution shall be responsible for ensuring compliance with the requirements of the policy. 674  
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(E) The chancellor of higher education shall do all of the 681  
following: 682

(1) Develop a policy that complies with the requirements 683  
of this section and incorporates the requirements of diversity 684  
and inclusion efforts and encourages employees of state 685  
institutions of higher education not to judge each other by 686  
their nationality, race, color, ethnicity, religion, sex, or any 687  
other characteristic protected by federal or state law. To the 688  
extent that it is appropriate for use by state institutions of 689  
higher education, the policy shall be substantially similar to 690  
the policy developed by the department of administrative 691  
services pursuant to division (E) (1) of section 4113.35 of the 692  
Revised Code. 693

(2) Establish rules in accordance with Chapter 119. of the 694  
Revised Code for the implementation and enforcement of the 695  
policy; 696

(3) Prepare a biennial report regarding adoption and 697  
enforcement of this section and submit the report to the general 698  
assembly in accordance with section 101.68 of the Revised Code. 699  
The report shall provide detailed information on any confirmed 700  
report submitted in accordance with division (C) of this 701  
section. The chancellor shall submit the report not later than 702  
the last day of November of each even numbered year, beginning 703  
in 2022. 704

(F) Nothing in this section shall be construed to prohibit 705  
any of the following: 706

(1) Discussing or using supplemental instructional 707  
materials, as part of a larger course of academic instruction, 708  
to teach about divisive concepts in an objective manner and 709

without endorsement. Such materials may include the following: 710

(a) The history of an ethnic group, as described in 711  
textbooks and instructional materials selected in accordance 712  
with the textbook selection policy adopted in accordance with 713  
section 3345.025 of the Revised Code; 714

(b) The impartial discussion of controversial aspects of 715  
history; 716

(c) The impartial instruction on the historical oppression 717  
of a 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  
lead or participate in discussion on the merits of any divisive 730  
concept; 731

(b) The assignment of a grade or score for completion or 732  
partial completion of research, debate, public speaking, or 733  
other task, provided the grade or score is calculated using 734  
ordinary academic standards of substance and relevance, 735  
including any legitimate pedagogical concerns and the professor 736  
shall not penalize or reward a student based upon the content of 737  
the student's work; 738

(c) Unbiased and impartial questions posed by a professor 739  
that are meant to promote discussion between students, provided 740  
the professor does not participate in that discussion and does 741  
not comment upon any divisive content contained in the student's 742  
work; 743

(d) Respectful student to student discussion or debate, 744  
notwithstanding the fact it may address divisive concepts, 745  
provided the professor does not participate except to enforce 746  
classroom decorum or rules of the state institution of higher 747  
education; 748

(e) Student research, practice, public speaking, other 749  
assigned tasks, and questions. 750

**Sec. 4113.35. (A) As used in this section:** 751

(1) "Divisive concepts" has the same meaning as in section 752  
3313.6027 of the Revised Code. 753

(2) "State agency" means every organized body, office, or 754  
agency established by the laws of the state for the exercise of 755  
any function of state government, the public employees 756  
retirement system, the Ohio police and fire pension fund, the 757  
state teachers retirement system, the school employees 758  
retirement system, and the state highway patrol retirement 759  
system. 760

(3) "Political subdivision" has the same meaning as in 761  
section 9.23 of the Revised Code. 762

(B) (1) No state agency or political subdivision shall 763  
offer teaching, instruction, or training on divisive concepts to 764  
any employees, contractors, staff members, or any other 765  
individual or group or require them to adopt or believe in 766  
divisive concepts. 767

(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 including divisive concepts as a condition or prerequisite of employment. 768  
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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. 775  
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(C) The administrative head of each state agency shall do the following: 782  
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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. 784  
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(2) Review all training programs for agency employees relating to diversity 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 or inclusion that teaches, advocates, or promotes divisive concepts and violates the applicable contract, the agency head shall evaluate whether to pursue debarment of the contractor, consistent with applicable law and regulation. 789  
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(3) Ensure that divisive concepts are not taught, 797  
advocated, acted upon, or promoted by the agency, the agency's 798  
employees during work hours, or any contractor hired by the 799  
agency to provide training, workshops, forums, or similar 800  
programming to the agency's employees; 801

(4) Encourage agency employees not to judge each other by 802  
their nationality, race, color, ethnicity, religion, sex, or any 803  
other characteristic protected by federal or state law; 804

(5) Issue to all agency employees the policy developed 805  
under division (E) of this section, annually review and assess 806  
the agency's compliance with the policy, and submit a report to 807  
the department of administrative services regarding the agency's 808  
compliance. At least one employee of the agency shall be 809  
responsible for ensuring compliance with the requirements of the 810  
policy. 811

(D) The legislative authority of each political 812  
subdivision shall do the following: 813

(1) Review the political subdivision's respective grant 814  
programs to identify which programs may require grant 815  
recipients, as a condition of receiving a grant from the 816  
political subdivision, to certify that the recipient shall not 817  
use grant funds to promote divisive concepts; 818

(2) Review all training programs for political subdivision 819  
employees relating to diversity or inclusion to ensure the 820  
programs comply with the requirements of division (B) of this 821  
section. If a training program provided by a contracted entity 822  
relates to diversity or inclusion that teaches, advocates, or 823  
promotes divisive concepts and violates the applicable contract, 824  
the legislative authority of the political subdivision shall 825

evaluate whether to pursue debarment of the contractor, 826  
consistent with applicable law and regulation. 827

(3) Ensure that divisive concepts are not taught, 828  
advocated, acted upon, or promoted by the political subdivision, 829  
the political subdivision's employees during work hours, or any 830  
contractor hired by the political subdivision to provide 831  
training, workshops, forums, or similar programming to the 832  
political subdivision's employees; 833

(4) Encourage political subdivision employees not to judge 834  
each other by their nationality, race, color, ethnicity, 835  
religion, sex, or any other characteristic protected by federal 836  
or state law; 837

(5) Issue to all political subdivision employees the 838  
policy developed under division (E) of this section, annually 839  
review and assess the political subdivision's compliance with 840  
the policy, and submit a report to the department of 841  
administrative services regarding the political subdivision's 842  
compliance. At least one employee of the political subdivision 843  
shall be responsible for ensuring compliance with the 844  
requirements of the policy. 845

(E)(1) The department of administrative services shall 846  
develop a policy that complies with the requirements of this 847  
section and incorporates the requirements of diversity and 848  
inclusion efforts and encourages state employees and political 849  
subdivision employees not to judge each other by their 850  
nationality, race, color, ethnicity, religion, sex, or any other 851  
characteristic protected by federal or state law. 852

(2) The department shall establish rules in accordance 853  
with Chapter 119. of the Revised Code for the implementation and 854

enforcement of the policy. 855

(3) The department shall prepare a biennial report 856  
regarding compliance with this section by state and political 857  
subdivision employees and submit the report to the general 858  
assembly in accordance with section 101.68 of the Revised Code. 859  
The department shall submit the report not later than the last 860  
day of November of each even numbered year, beginning in 2022. 861

(F) Nothing in this section shall be construed to prohibit 862  
discussing or using supplemental instructional materials, as 863  
part of a larger course of academic instruction or training, to 864  
teach about divisive concepts in an objective manner and without 865  
endorsement. Such materials may include the following: 866

(1) The history of an ethnic group, as described in 867  
textbooks and instructional materials adopted in accordance with 868  
statutory law concerning textbooks and instructional materials; 869

(2) The impartial discussion of controversial aspects of 870  
history; 871

(3) The impartial instruction on the historical oppression 872  
of a particular group of people based on nationality, race, 873  
color, ethnicity, religion, or sex; 874

(4) Historical documents permitted under statutory law, 875  
such as the national motto, the national anthem, the Ohio 876  
Constitution, the United States Constitution, the Revised Code, 877  
federal law, and United States Supreme Court decisions. 878

**Section 2.** That existing sections 3313.21, 3314.03, and 879  
3326.11 of the Revised Code are hereby repealed. 880

**Section 3.** This act shall be known as "The Promoting 881  
Education, Not Indoctrination Act." 882

**Section 4.** The General Assembly, applying the principle 883  
stated in division (B) of section 1.52 of the Revised Code that 884  
amendments are to be harmonized if reasonably capable of 885  
simultaneous operation, finds that the following sections, 886  
presented in this act as composites of the sections as amended 887  
by the acts indicated, are the resulting versions of the 888  
sections in effect prior to the effective date of the sections 889  
as presented in this act: 890

Section 3314.03 of the Revised Code as amended by H.B. 891  
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 892  
89, all of the 133rd General Assembly. 893

Section 3326.11 of the Revised Code as amended by H.B. 894  
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 895  
General Assembly. 896