

Strope, Lauren

Subject: Meeting - Critical Race Theory
Location: 15th floor Conference room

Start: Tue 5/18/2021 10:30 AM
End: Tue 5/18/2021 11:00 AM

Recurrence: (none)

Meeting Status: Accepted

Organizer: Cupp, Bob

Required Attendees: Morrison, Christine; Hinman, Will; dwight.crum@ohiohouse.gov; VanKirk, Robert; Fowler Arthur, Sarah; Strope, Lauren; Bird, Adam; Headlee, Adam; Wiggam, Scott; Barto, Dillon; Jones, Don; Thomas, AJ; Ginter, Tim; Richwine, Megan; Stoltzfus, Reggie; Coyle, Nick; Click, Gary; Christy, George

What: to discuss Critical Race Theory

Who: Speaker, Christine, Dwight, Rob, Will, Rep Fowler Arthur, Rep Bird, Rep Wiggam, Rep Jones, Rep Ginter, Rep Stoltzfus, Rep Click

Scheduled by DM on 5/14

From: Rep76

Sent: Friday, May 21, 2021 10:32 AM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Please Note: The deadline to cosponsor this legislation has been adjusted to TODAY, May 21 at 3:00 pm.



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is

teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race or sex is inherently superior to another race or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 21th at 3:00pm.**

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep76

Sent: Monday, May 10, 2021 11:31 AM

To: House_All

Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex



State Representative Diane V. Grendell, 76th House District

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To: All Members of the Ohio House of Representatives
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- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.

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The deadline to cosponsor this legislation is **Friday, May 28th at noon.**

Sincerely,



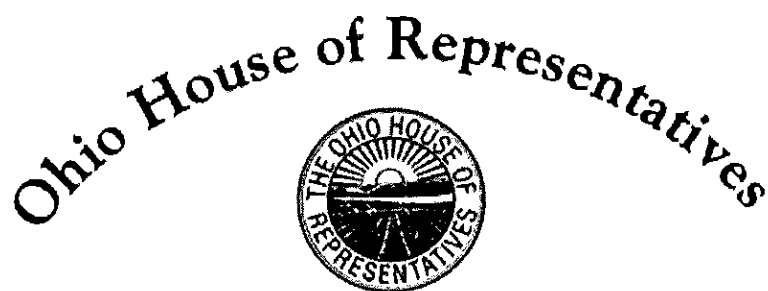
Diane V. Grendell
State Representative
Ohio House District 76

From: Fowler Arthur, Sarah
Sent: Monday, May 10, 2021 3:38 PM
To: Rep76; Strope, Lauren
Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

I would like to co sponsor, thank you.
Sarah

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From: Rep76 <Rep76@ohiohouse.gov>
Sent: Monday, May 10, 2021 11:31:19 AM
To: House_All <House_All@ohiohouse.gov>
Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex



State Representative Diane V. Grendell, 76th House District

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If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

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Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep76

Sent: Monday, May 10, 2021 3:43 PM

To: Fowler Arthur, Sarah; Strope, Lauren

Subject: RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Rep. Fowler Arthur—you've been added as a cosponsor to the legislation.

Representative Grendell appreciates the support!

-Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76th House District

(614)-644-5088

<http://www.ohiohouse.gov/diane-grendell>

From: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>

Sent: Monday, May 10, 2021 3:38 PM

To: Rep76 <Rep76@ohiohouse.gov>; Strope, Lauren <Lauren.Strope@ohiohouse.gov>

Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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Sarah

Get [Outlook for Android](#)

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Sent: Monday, May 10, 2021 11:31:19 AM

To: House_All <House_All@ohiohouse.gov>

Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Ohio House of Representatives



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

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Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Fowler Arthur, Sarah
Sent: Wednesday, May 12, 2021 4:05 PM
To: Strobe, Lauren
Subject: CRT letter

Lauren,
Please put this on my official letterhead and send to members who have requested the information. Additionally, please attach any additional information we have received from our presenters.
Thank you!
Sarah

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

Colleagues,

Thank you for taking time out of your busy schedules to learn more about Critical Race Theory in Ohio last week. It was a thoughtful and productive conversation, which we will be continuing on **Wednesday, May 19th at 9am in the Majority Conference Room on the 15th floor.**

Our next guest will be Vice-President of the Ohio State Board of Education, Charlotte McGuire. Mrs. McGuire will share her story of growing up under Jim Crow laws in the south as a black girl, as well as how to combat racism and why Critical Race Theory does not meet these goals. We will try to keep the presentation under 20 minutes to be respectful of your time and there will be a roundtable discussion afterwards for those who are able to stay.

I encourage you to take time to join us for at least half an hour on Wednesday morning to hear this vital information from Mrs. McGuire. Thank you!
Representative Sarah Fowler Arthur

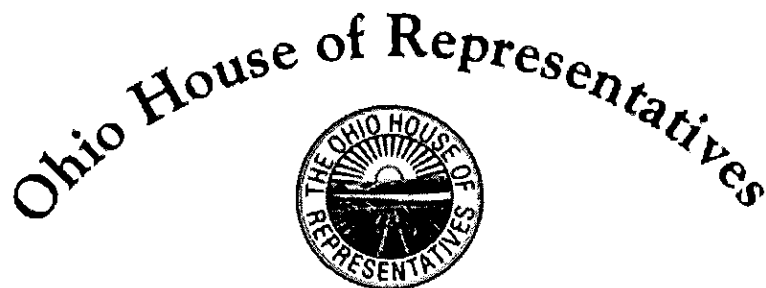
P.S. Please find attached several resources that we have received from last week's presenters, as well as contact information should you like to follow up with any of the ladies personally. Thank you again! Sarah

From: Rep76

Sent: Wednesday, May 12, 2021 4:22 PM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex



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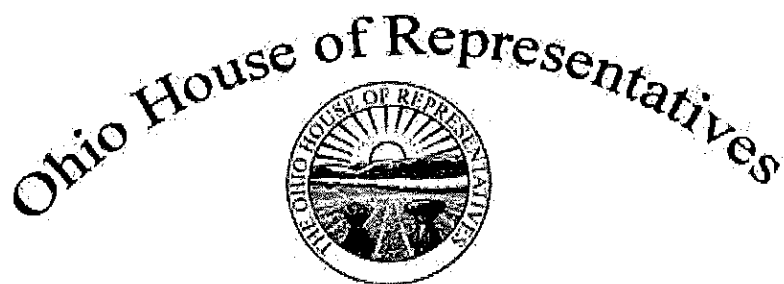
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State Representative
Ohio House District 76

From: Strobe, Lauren
Sent: Wednesday, May 12, 2021 4:33 PM
BCC: Members_GOP; Staff_Legislative_Aide_GOP
Subject: Information Roundtable
Attachments: Contact Info.pdf



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur
RE: CRT Information RoundTable
Date: May 12th, 2021

Dear Colleagues,

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P.S. Please find the link provided below, as well as contact information for last week presenters should you like to follow up with any of the ladies personally. Thank you again! Sarah

https://smile.amazon.com/dp/1684511801/ref=cm_sw_r_cp_apa_glt_fabc_3R8BVVWV17RQ8KKRY9QGC?encoding=UTF8&psc=1

<https://youtu.be/xuSMvIVtd0A>



Dr. Jenny Shafer Kilgore
 State Board of Education
 District 4

100 East Sharon Road
 Mendota, OH 45246
 (313)-382-9869
 Jenny.Kilgore@education.ohio.gov
 sboc.ohio.gov



**REPUBLICAN PARTY OF
 MEDINA COUNTY**
 WWW.MEDINAGOP.COM

LISA WOODS

Central Committee York Twp A
 email: lisawoods@mcfan.org

home: 330.241.5225 cell: 330.410.6733

7645 Norwalk Road • Medina, OH 44256

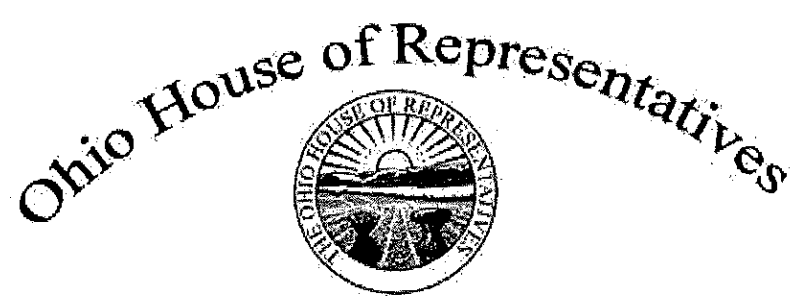
Party Headquarters: 2771 Medina Road Medina OH 44256 330.723.0415



Kirsten Hill - District 2
 State Board of Education
 Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood Counties

44905 N. Ridge Rd.
 Amherst, OH 44001
 440.1.201-2306
 Kirsten.Hill@education.ohio.gov
 sboc.ohio.gov

From: Strobe, Lauren
Sent: Wednesday, May 12, 2021 4:33 PM
Subject: Information Roundtable
Attachments: Contact Info.pdf



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur
RE: CRT Information RoundTable
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Dr. Jenny Shafer Kilgore
 State Board of Education
 District 4

200 East Sharon Road
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 sboc.ohio.gov



**REPUBLICAN PARTY OF
 MEDINA COUNTY**
 WWW.MEDINAGOP.COM

LISA WOODS
 Central Committee York Twp A
 email: lisawoods@mcfan.org

home: 330.241.5226 cell: 330.410.6733
 7645 Norwalk Road • Medina, OH 44256
 Party Headquarters: 2771 Medina Road Medina OH 44256 330.723.0415



Kirsten Hill - District 2
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 Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood Counties

44905 N. Ridge Rd.
 Amherst, OH 44001
 4401201-2306
 Kirsten.Hill@education.ohio.gov
 sboc.ohio.gov

From: Manning, Gayle
Sent: Wednesday, May 12, 2021 9:06 PM
To: Strobe, Lauren
Subject: Re: Information Roundtable

Sorry I did not receive any information about the meeting last week. I will try to be there next week.
Gayle

Sent from my iPhone

On May 12, 2021, at 4:33 PM, Strobe, Lauren <Lauren.Strobe@ohiohouse.gov> wrote:

<image001.jpg>

Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur
RE: CRT Information RoundTable
Date: May 12th, 2021

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<https://youtu.be/xuSMvIVtd0A>

<Contact Info.pdf>

From: Thomas, AJ

Sent: Friday, May 14, 2021 10:16 AM

To: Headlee, Adam

Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members

From: Representatives Don Jones & Adam Bird

Date: May 14th, 2021

Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

We will soon be introducing legislation that will prohibit the inculcating of critical race theory and the use of “action civics” in our classrooms.

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist “woke-ism” has come a long way from Martin Luther King, Jr.’s dream where people would “not be judged by the color of their skin but by the content of their character” to flat out saying “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.” and so on.

CRT teaches that racism is built into our American system and not the result of bad actors. CRT’s lessons also categorize certain racial and religious identities as inherently ‘oppressive,’ and instructs our children who fall into these demographics to accept the label ‘oppressor.’ This is plain wrong.

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

This bill will also address "action civics" where class credit is given for not just participating in our system of government, but actively advocating for a specific position. Our children absolutely need to learn our government processes, but not because they are pushing an agenda from a teacher or school, or even potentially being dinged by a teacher for advocating for the "wrong position." Coursework should be about learning, not advocating.

Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classrooms.

This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and we would like your support for this bill that will maintain strong and good civics in our classrooms.

If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Rep76

Sent: Friday, May 14, 2021 4:55 PM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Ohio House of Representatives



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are

- inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
 - Engaging in any conduct or educational activity that promotes or teaches the concept that one race or sex is inherently superior to another race or sex;
 - Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 28th at noon.**

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep99
Sent: Monday, May 17, 2021 9:44 AM
Subject: CRT Information
Attachments: Woke Racism in School (K. Hill).pdf

Good morning,

As requested in the meeting a few weeks ago with Dr. Jenny Kilgore, Kirsten Hill and Lisa Woods I have attached their presentation with information about Critical Race Theory. There are links to additional resources included within the file.

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

Woke Racism in school: Brainwashing the children

May 4, 2021

**Adolf Hitler “He alone, who owns the
youth, gains the future.”**

**Vladimir Lenin “Give me one generation
of youth and I’ll transform the whole
world.”**

Speakers

- **Kirsten Hill, Current Elected Member, Ohio Board of Education** (Counties: Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood)
- **Lisa Woods, Former Elected Member, Ohio Board of Education** (Counties: Ashland, Medina, Richland, Wayne Parts of Cuyahoga, Holmes, Stark, Summit)
- **Kara Molfetta, Parent, Lakota Local Schools**

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

Outline

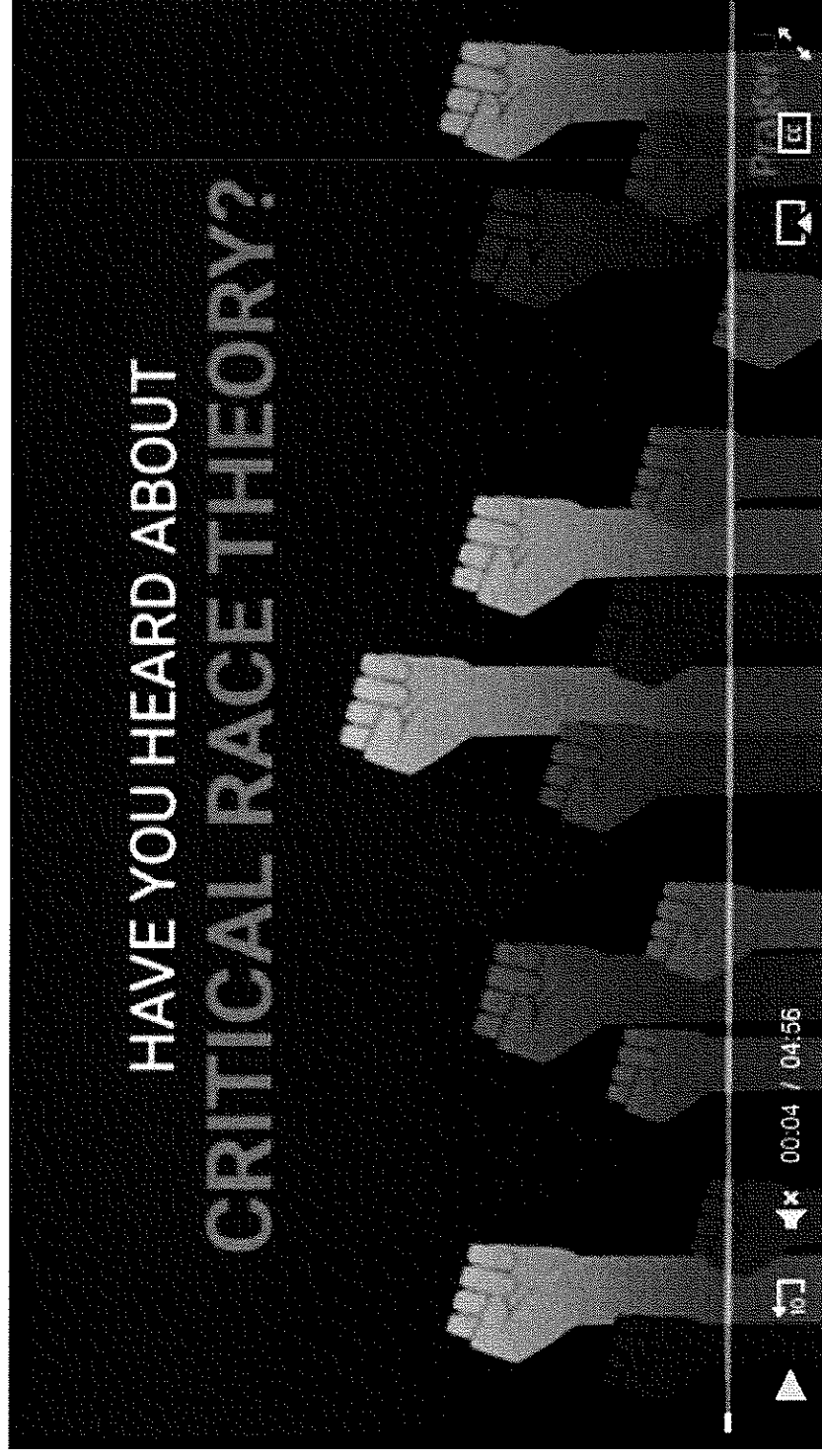
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

What is Critical Race Theory?

- First, Critical Race Theory views race and racism this way: race is a political construction that was invented by white people to give themselves power while excluding all other races from it, and racism is the ordinary state of affairs in society, present in all interactions, institutions, and phenomena, and effectively permanent in society
- Second, Critical Race Theory does not continue the legacy of the Civil Rights Movement, as many incorrectly believe. It is against liberalism and the liberal order upon which Western societies are founded, and it rejects both equality and neutral principles of constitutional law (these were the backbone of both the abolitionist movement that ended slavery and the Civil Rights Movement). It also rejects legal reasoning and Enlightenment rationalism. This makes Critical Race Theory unreasonable, illiberal, against equality, and anti-American, by definition.

What is Critical Race Theory?

- PragerU Video by James Lindsay
- <https://www.prageru.com/video/what-is-critical-race-theory/>



What is the 1619 Project?

- Posits that the true founding date was 1619 and based on slavery, not 1776.
- Nicole Hannah-Jones author
- Published in the *New York Times Magazine* in August 2019
- Historically inaccurate

What is the 1619 Project?

- The 1619 Project is an effort produced by the *New York Times Magazine*, specifically by Nikole Hannah-Jones among several other contributors. It was published therein in August of 2019, allegedly on the 400th anniversary of the “true” founding of the United States, when the first African slaves (or laborers) were brought to American soil. It was awarded a Pulitzer Prize.
- The 1619 Project therefore posits that the true founding date of the American republic is not 1776, with the signing of the Declaration of Independence, but rather 1619, allegedly when the first African slaves were brought to American soil at the Jamestown Colony. It goes further to posit that, because of this historical incident (supposing it is true and articulated accurately), the United States has always been a nation founded economically (see also, **capitalism**), thus politically (see also, **liberalism**), upon the institution of slavery, which was therefore encoded into the societal DNA of the American republic. That is, the 1619 Project exists to go beyond the claim that racism is America’s “Original Sin” to make the far more extraordinary claim (on very shaky evidence and weak argumentation) that it is, in fact, its genuine foundational principle.

IMPORTANT to learn more about

the American Mind

From the Editors

Salvos

Memos

Features

Podcast

Media



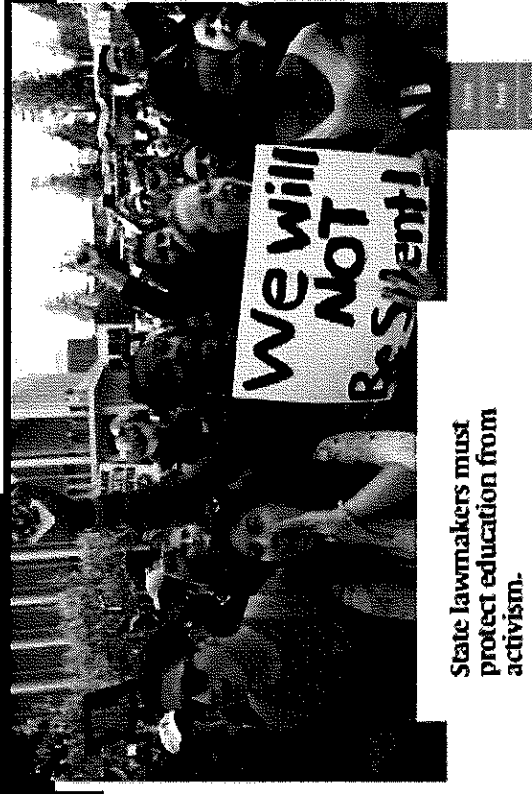
What is Action Civics?

“Action Civics” Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

<https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics>



State lawmakers must protect education from activism.

Source: <https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/>

CRT in practice

- CRT is what is driving cancel culture in the schools.
- Those calling out systemic racism are looking to cancel people that don't agree.
- All this activism in the classroom is hurting students academically. The activism is directly taking away time with teachers learning the language, math, arts and sciences.(1)
- Causing division - Think Marx's premise of the oppressors and the oppressed. It was the bourgeois vs. the proletariat.(2) Now it's just pitting woke against non-woke.

Source: (1) <https://video.foxnews.com/v/6250045304001#sp=show-clips>

(2) https://www.theepochtimes.com/parents-organize-to-push-back-against-critical-race-theory_3784489.html

CRT in practice

- How to recognize it. The purveyors will deny it's existence. They are being deceptive. **Language matters.**
- Watch for these words: **equity, culturally-responsive curriculum, anti-racist, racial sensitivity, unconscious or implicit bias, cultural awareness, "Diversity, Inclusion, Equity, Justice", white privilege, whiteness, white supremacy**
- 'Anti-racist' is really 'Woke Racism'.

CRT in practice

- Makes children think of themselves as oppressors or victims.
- April 22, 2021 (VA.) Virginia getting rid of Algebra, Algebra II and Geometry for all students before 11th grade. (Looking through a 'racial lense' first . Take higher end students and bring them down. Lowering the bar.) (1)

CRT in practice

- “Change Agents”: Executive Director of the Ohio Council of Teachers of Mathematics
- Akron Beacon Journal

Yoak also works on those issues through OCTM, whose two main goals right now are to support math teachers and earning, and to promote policies and practices that support equity and inclusiveness in math.

“A very easy one to sight is the traditional history of tracking students and teachers, meaning that there’s the honors level, the general level and the lower level. What we know from loads and loads of evidence and data is that in the honors track we have an overrepresentation of white students and often Asian students; and in the lower tracks we have an overrepresentation of students of color. That is clear, and there’s no way around that,” she said.

However, the data shows that by eliminating tracking and replacing it with a student-focused, equity-centered and reasoning-based math experience, all students improve, Yoak said.

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Akron Beacon Journal

News Sports Entertainment Lifestyle Opinion USA TODAY Obituaries E-Edition Legals

Change Agents: Stow educational consultant aims to bring equity, empowerment to math class


Krista S. Manso, Akron Beacon Journal
Published 6:01 a.m. (7 Apr. 29, 2021)

[View Comments](#) [f](#) [t](#) [v](#)

Growing up in Stow, Kim Yoak loved playing with Tinkertoy, Legos, Connect 4, and Chutes and Ladders, but it wasn't until she was older that she recognized what they all had in common: math.

In fact, most of her playthings involved dice, counting, problem-solving or pattern recognition, and through those games she developed confidence in her mathematical abilities.

Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the



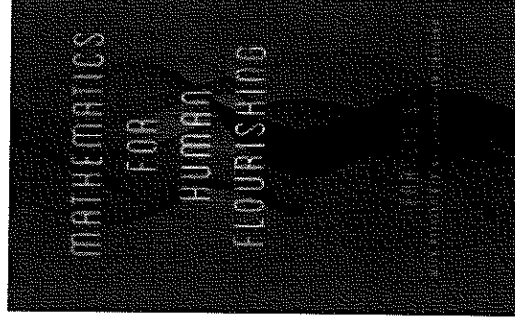
An executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students develop more confidence in their abilities. Photo by Krista S. Manso for Akron Beacon Journal

Source: <https://www.beaconjournal.com/story/news/2021/04/28/education-consultant-focuses-equity-empowerment-classroom/7292650002/>

continued on next page

CRT in practice

- Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.
- Review of the book, ““Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



CRT in practice

- Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

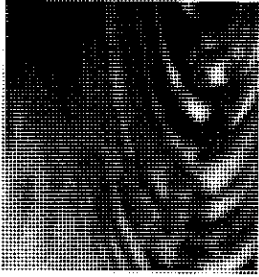
Join Kent State University's aspiring teachers and school leaders on Tuesday, May 11, 2021 for our 5th annual FREE educational community conference. We welcome K-12 students, teachers, staff, school leaders, social workers, guidance counselors, psychologists, families, Board members, community members, activists, organizational leaders, and political representatives to engage with us.

How do you register for this FREE educational conference? Please click on the link below and choose the sessions you want to attend. The last day to register is Sunday, May 9th. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10th.

<https://www.signupgenius.com/go/608094A4DAF2BA6E58-botherridgk>

Highlights
are speaker's,

Invitation was
received
to attend
this event.



Conference Sessions

8:00-9:30 AM	OPENING SESSION: <i>Be the Pebble and Make the Ripples: Meet School Community Members Making Real Changes in School Communities.</i>
9:35-11:00 AM	<i>What Does it Really Mean to be Inclusive?</i>
9:35-11:00 AM	<i>Who is on the Front Line? What You Need to Know About Promoting Equity for Black and Brown Students.</i>
9:35-11:00 AM	<i>What is Equitable Access in Schools? How do We Ensure All Students have Access to Resources to be Successful?</i>
9:35-11:00 AM	<i>"Don't Touch My Hair!": Understanding Culturally Responsive Practices.</i>
11:05-12:30 PM	<i>Where is My Next Meal Coming From? Students, Families, and Food Insecurities and How These Realities Affect Learning.</i>
11:05-12:30 PM	<i>Screaming Our Loud: Be an Advocate for School Community Members Facing Mental Health Challenges.</i>
11:05-12:30 PM	<i>What Does it Mean to Involve and Empower Families in Schools?</i>
12:35-2:00 PM	<i>How to Authentically Serve the LGBTQ School Community.</i>
12:35-2:00 PM	<i>It's the Little Things, Right? The Influence of Implicit Bias.</i>
12:35-2:00 PM	<i>How to Use Music to Motivate Students and Their Learning.</i>
2:05-3:30 PM	CLOSING SESSION: <i>Imposed Silence: Meet School Community Members Who Speak Truth to Power</i>

Timeline at Ohio Board of Education (OBE)

June 2020 - Kohler announcement of resolution she'll bring forward

July 2021 - Complete revision and much more extensive (Contributors: Kohler, Haycock, Dodd, Johnson)

July 14, 2021 Kohler Racist Equity Resolution approved.

Link to Resolution: http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

December, 2020 through May 2021 - **Board president has denied verbal testimony if person is anticipated to speak on CRT or 1619 Project.**

OBE Vote Tally on Kohler's Racist Equity Resolution (#20) July 14, 2020

Member Type	Yes	No
Appointed	Steve Dackin	Sarah Fowler Arthur Elected
Elected	Stephanie Dodd	John Hagan Elected
Elected	Linda Haycock	Kirsten Hill Elected
Elected	Meryl Johnson	Charlotte McGuire Elected
Appointed	Laura Kohler	Lisa Woods Elected
Appointed	Mark LaMoncha	5
Appointed	Martha Manchester	Abstain
Elected	Antoinette Miranda	Jenny Kilgore Elected
Elected	Nick Owens	1
Appointed	Erik Poklar	
Appointed	Mike Toal	
Appointed	Reggie Wilkinson	
	12	

Source: <https://kirstenhill.com/2020/07/15/racism-and-inequities-against-blacks-indigenous-and-people-of-color-addressed-in-late-night-resolution-passed-by-the-ohio-state-board-of-education/>

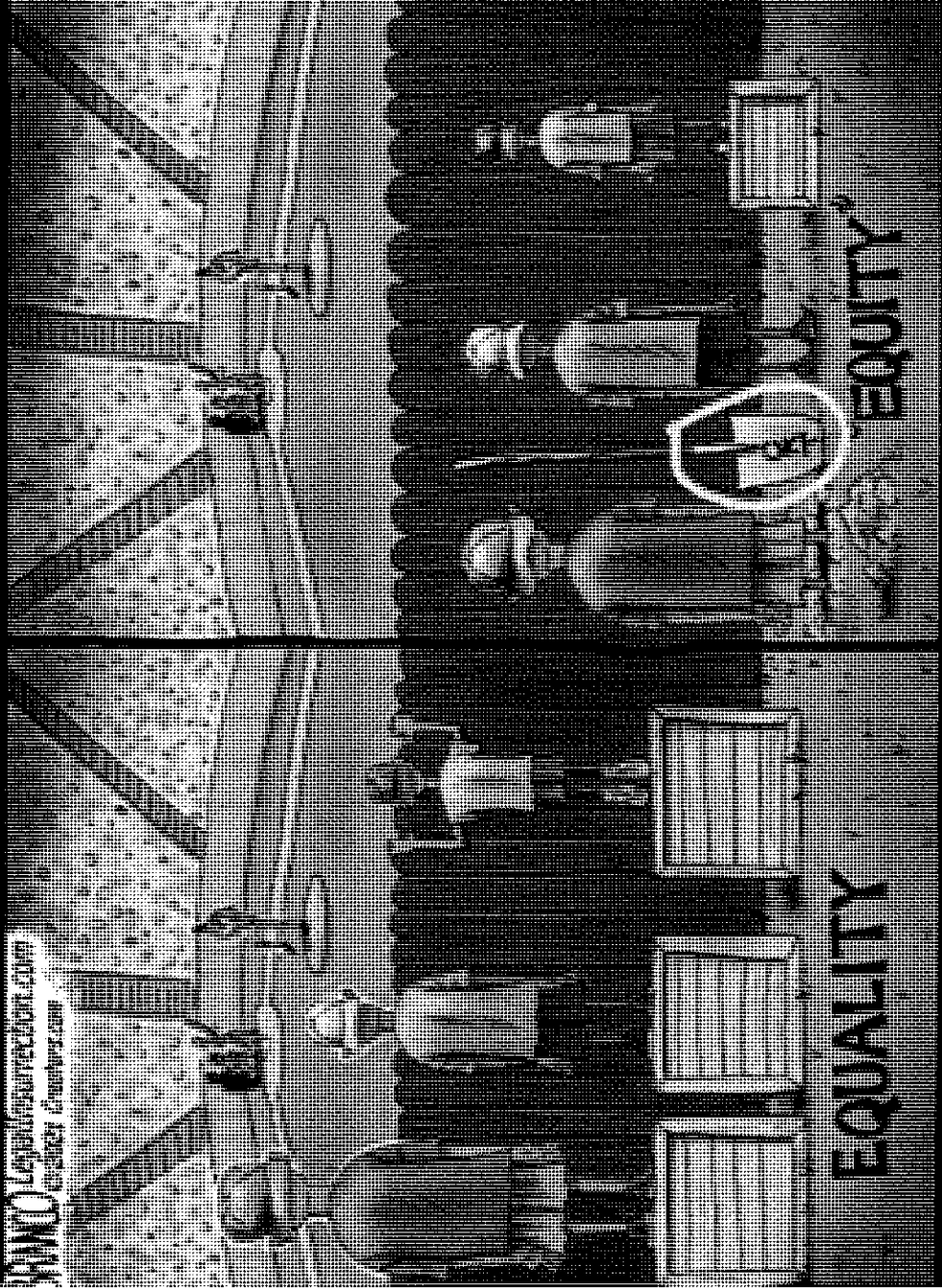
What is in Kohler's Racist Equity Resolution?

Whereas, **Equity** is our plan's greatest imperative and number one principle;

... Where equality means that citizen A and citizen B are treated equally, equity means "adjusting shares in order to make citizens A and B equal." In that sense, equity is something like a kind of "social **communism**," if we will—the intentional redistribution of shares, but not necessarily along lines of existing economic disparity but in order to adjust for and correct current and historical **injustices**,...

...the measurement for equity is wholly on assessing the most superficial aspects of outcomes and then ascribing any differences from either demographic parity or parity adjusted upward to "correct" for historical exclusion to systemic bigotry. That is, in practice, an equity approach is almost wholly **unconcerned with the root causes** of disparate outcomes and merely seeks to identify where they occur and then artificially "correct" them, perhaps through preferential hiring, grading, promotion, pay, etc., by eliminating measurements that reveal disparities like standardized testing, by open, secret, or tacit discrimination against "dominant" group members, or even by installing quotas and specific guidelines for how outcomes must come out, **regardless of what leads to them**. In that sense, it is a very impoverished theory that is unlikely to achieve any of its stated goals (and will probably hurt most those it claims to help). ...

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

- implicit bias training for ODE employees and contractors required**
- strongly recommends that all Ohio school districts examine hiring, curriculum & student discipline for internal bias**

How are OBE members promoting?

Kohler & DeMaria at Cleveland City

- **Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)

- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

- **OBE meeting agendas include presentations from local superintendents presenting their equity work.**
- **Dackin, chair of OBE legislative sub-committee, “We will look at everything through an equity lense.” (paraphrased.)**
- **Kohler denial of public comment at OBE meetings based on anticipated topic of member of the public.**

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfhYUfCcTbp3NoDmxKZUJAN7xMiVuhqllNBizKz-Ih7yPPqTPFqYzmd5NgKtEdpVugB6GoZwPWR/pubhtml>
This was posted on the ODE website until taken down in fall, 2020.
- **Link to 1619 Project is on ODE website. Link:** <http://education.ohio.gov/Topics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>
- **DeMaria presented to OBE at meeting about new rubric being used to screen the S.S. content posted on ODE website.**
- **Grants are going to local Ohio districts for equity work.**
- **Equity training webinars offered by ODE (April-May, 2021)**

How is ODE implementing?

Paraphrasing of phrasing

- Yano, “**Looking at legislation through an equity lens.**”
- Superintendent DeMaria often points out the **equity** is our highest aspiration as in Strategic Plan “Each **Child Our Future**” . We do all our work looking through a diversity, inclusion and equity.

How are local school districts implementing?

- **Gahanna-Jefferson (Licking County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Athens City Schools (Athens County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Northwest Local (Hamilton County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Hilliard City Schools (Franklin County) Part 1** <https://www.youtube.com/watch?v=SACNAI1odVA>
Part 2 https://www.youtube.com/watch?v=Ld7_g-89FFA
- **Beachwood**
- **Rocky River**

How are local school districts implementing?

- **Kings Local Schools (Warren County)**
 - <https://www.youtube.com/watch?v=jvzLLOu-fRo>
 - <https://www.kingslocal.net/district-resources/cultural-competence%2C-equity-%2B-inclusion-33/>
- **Lakota Local Schools (Butler County)**
 - <https://www.youtube.com/watch?v=k7LE71U9n9w>
- **Ohio Department of Education website - local school presentations at Ohio Board of Education meetings Link:** <http://education.ohio.gov/Topics/Equity-in-Education>

Others assisting with implementing CRT?

- **Ohio School Board Association** - <https://www.ohioschoolboards.org/diversity-equity-consulting-services>
- **Ohio Council for the Social Studies - links “The 1619 Project Grant Opportunity” on website. The 1619 Project Education Network (Pulitzer Center) is giving out \$5,000 grants to teachers who apply. Facebook is the lead supporter.**

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydmYUM90mmFo-55I

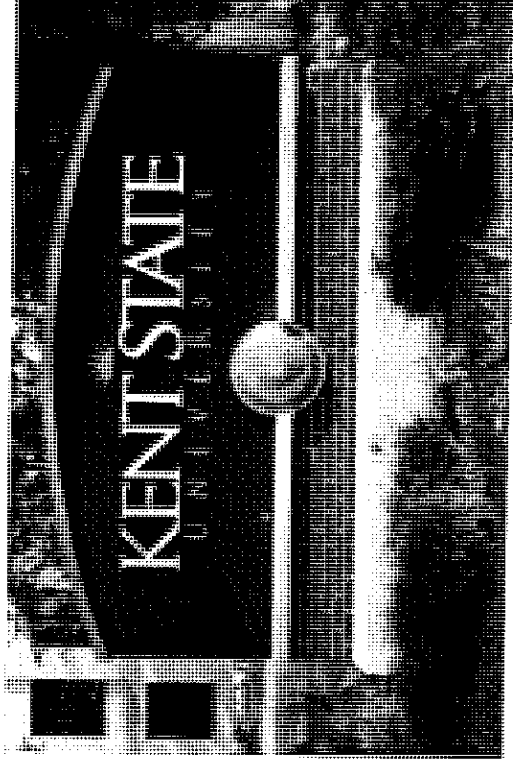
Teacher Pipeline

THE COLLEGE FIX

ORIGINAL STUDENT REPORTED. YOUR DAILY DOSE OF RIGHT-MINDED NEWS AND COMMENTARY FROM ACROSS THE NATION.
HIGHER EDUCATION RACIAL ISSUES

Kent State establishes 'Anti-Racism and Equity Institute' to become an 'exemplar in race scholarship'

ESTHER WERMER • BOYCE COLLEGE • MARCH 26, 2021



Source: <https://legalinsurrection.com/2021/03/kent-state-university-establishes-anti-racism-and-equity-institute/>

How is Federal government implementing?

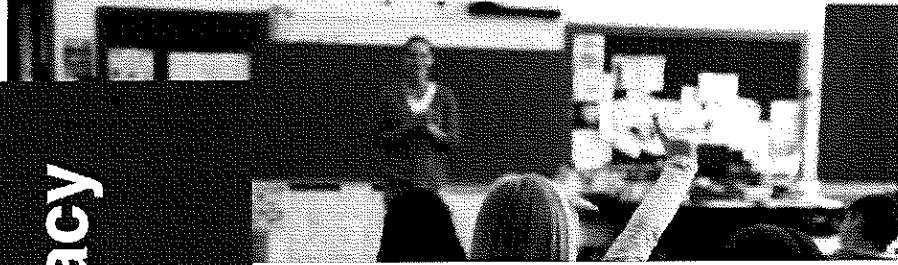
• Kurtz's explains "Civics Secures Democracy Act" - \$6 billion in grants by U.S. DOE

THE CORNER

EDUCATION

How to Keep CRT and Action Civics Out of K-12

By STANLEY KURTZ | April 29, 2021 8:05 AM



Responses (in Ohio)

- **Testimony at OBE meetings September, October & November**

September testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/September%2021-22-2020/Public%20Participation/>

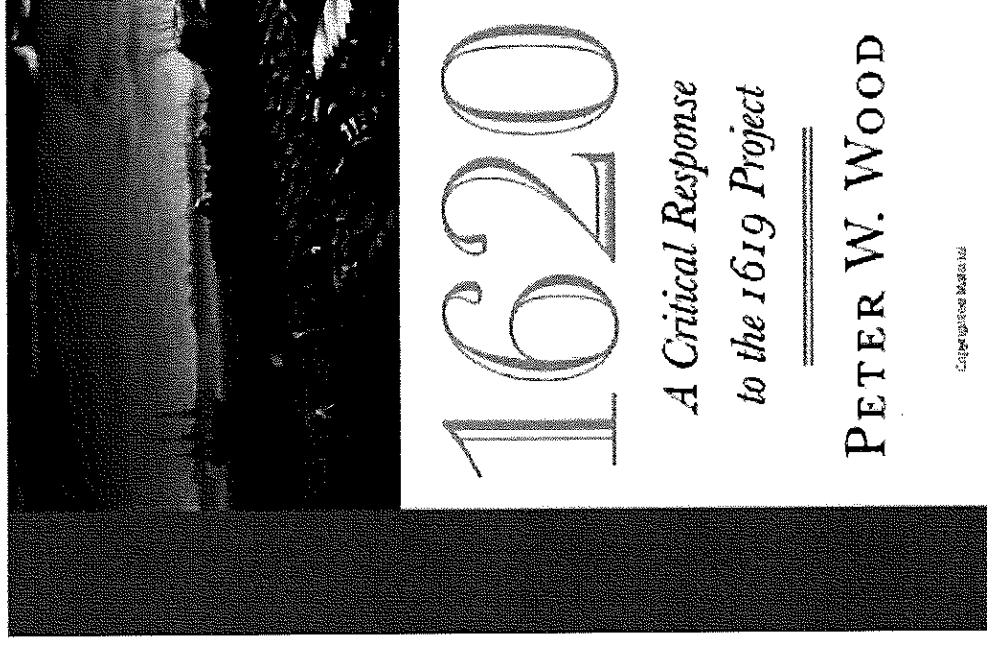
October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

November testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/November-2020/Public%20Participation/>

- **ODE quietly removed the Anti-Racist, Allyship Starter Pack (teacher material list) from ODE website but will not remove 1619 Project.**

Responses (nat'l)

- 1619 Project debunked by Peter Wood's book, **1620**



Responses

- Review of **1620** by Phil Magness, senior research fellow, American Institute for Economic Research.
- *Peter Wood's survey of the landscape of scholarly criticism has provided a valuable service, both in assessing the heated historical debates around the 1619 Project and by offering readers an accessible roadmap with which to navigate its many controversies. Unfortunately, the New York Times has thus far conspicuously avoided the most salient criticism of its work. This helpful guide masterfully curates the scholarly scrutiny that the newspaper evaded and ignored, equipping the reader to approach the 1619 Project with a discerning eye for evidence-based history.*

Literature

EYE ON THE NEWS

Smashing “Whiteness” in the Classroom

Ohio’s education department offered—and withdrew, at least for now—a startling collection of “antiracist” teaching supplements.

Max Eden
October 24, 2021
Education: The Social Order

- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

Literature

- **The Diversity Delusion** by Heather MacDonald
- **Crimes of the Educators** by Samuel Blumenthal
and Alex Newman
- **“Action Civics Replaces Citizenship with
Partisanship”** by Stanley Kurtz [https://americanmind.org/memo/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/)
- **”Making Citizens: How American Universities
Teach Civics”** by David Randall [https://www.nas.org/reports/
making-citizens-how-american-universities-teach-civics](https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics)

Literature



STOP CRITICAL RACE
THEORY IN OHIO

- **Extensive list of resources on the Stop Critical Race Theory dot com website - Link: <https://stopcriticalracetheory.com/resources/>**
- **Common Critical Race Theory Vocabulary - Link: <https://kirstenhill.com/2021/05/13/common-vocabulary-of-critical-race-theory/>**

Videos

- **OBE board meetings on The Ohio Channel (2020 - July through Dec.; 2021 - Jan through May)**
- **“What are your kids learning in school?”** <https://www.prageru.com/video/what-are-your-kids-learning-in-school/>

What you can do

(for the U.S.A, for Western Civilization)

- **IMPORTANT**
- **Comment of Federal Register**
- **Take Action** –Comments are being received at the Federal Register website on the latest push to change American History and Civics Education. The proposed rule change is coming out of the Biden U.S. Department of Education. **Make comments here by May 19, 2021:** <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>. The New York Times 1619 Project and Kendi's book, How to be an Antiracist, are referenced and linked in support of this proposed rule.

What you can do

(for the U.S.A, for Western Civilization)

- **Scan this barcode to comment on Federal Education Rule**



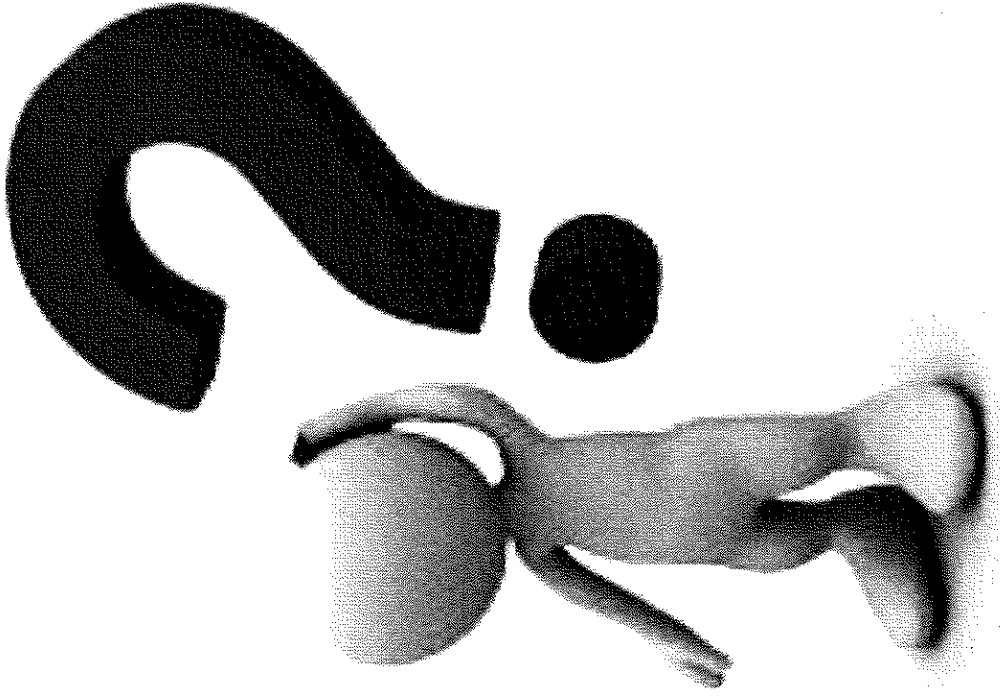
Speaker

**Kara Molfetta, parent,
Lakota Local Schools.**

withlovefrommini@g

[mail.com](mailto:withlovefrommini@gmail.com)

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: Thomas, AJ

Sent: Monday, May 17, 2021 3:35 PM

To: Headlee, Adam

Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



REMINDER: Deadline to Co-Sponsor is WEDNESDAY at 5:00pm. Thank you for your consideration.

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members

From: Representatives Don Jones & Adam Bird

Date: May 14th, 2021

Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

We will soon be introducing legislation that will prohibit the inculcating of critical race theory and the use of “action civics” in our classrooms.

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist “woke-ism” has come a long way from Martin Luther King, Jr.’s dream where people would “not be judged by the color of their skin but by the content of their character” to flat out saying “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.” and so on.

CRT teaches that racism is built into our American system and not the result of bad actors. CRT’s lessons also categorize certain racial and religious identities as inherently ‘oppressive,’ and instructs our children who fall into these demographics to accept the label ‘oppressor.’ This is plain wrong.

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

(1) One race or sex is inherently superior to another race or sex;

- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

This bill will also address "action civics" where class credit is given for not just participating in our system of government, but actively advocating for a specific position. Our children absolutely need to learn our government processes, but not because they are pushing an agenda from a teacher or school, or even potentially being dinged by a teacher for advocating for the "wrong position." Coursework should be about learning, not advocating.

Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classrooms.

This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and we would like your support for this bill that will maintain strong and good civics in our classrooms.

If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,

Handwritten signatures, including one that appears to be "Adam Headlee".

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Austin, Bryanna

Sent: Tuesday, May 18, 2021 12:23 PM

To: Bird, Adam; Click, Gary; Fowler Arthur, Sarah; Ingram, Catherine; Jones, Don; Koehler, Kyle; Lightbody, Mary; Manchester, Susan; Manning, Gayle; Miller, Joe; Pavliga, Gail; Richardson, Tracy; Robinson, Phil; Sobecki, Lisa; Swearingen, DJ.

CC: Bartlett, Malika; VanKirk, Robert; Cole, Allison; Anderson, Caleb; Austin, Bryanna; Bidgood, Dakota; Christy, George; Derflinger, Miranda; Gross, Levi; Headlee, Adam; Jarrell, Alana; Kelsch, Esther; Lynn, Benjamin; Rocco, Samantha; Ryser, Megan; Strobe, Lauren; Thomas, AJ

Subject: PSE Testimony

Attachments: HB73AdamsOpponent.pdf; HB73Amanopponent.pdf; HB73BroadbentOpponent.pdf; HB73FedererOpponent.pdf; HB73GoldsteinOpponent.pdf; HB73HachOpponent.pdf; HB73Hillopponent.pdf; HB73JohnsonOpponent.pdf; HB73LongOpponent.pdf; HB73OBSABASAOASBO.pdf; HB73OFTProponent.pdf; HB73OpponentDavis.pdf; HB73PetekOpponent.pdf; HB73StehlikOpponent.pdf; HB82OEAProponent.pdf; HB82OSCAProponent.pdf; HB105AubergerProponent.pdf; HB105BeltreProponent.pdf; HB105IPSheets.pdf; HB112MillerSponsor.pdf; HB112MLHSponsor.pdf

Good afternoon,

Please see the attached testimony for PSE Committee this afternoon. In addition to the sponsor testimony for HB 112, the following testimony will be delivered in person: Mr. Johnson, Pastor Davis, Ms. Jackson, Ms. Kathy Johnson, Ms. Beltre, Mr. Adams, Mr. Hach, Mr. Long, Ms. Broadbent, and Mr. Sheets.

Sincerely,

Bryanna Austin | Legislative Aide
Office of State Representative Gayle Manning
55th House District | Phone: (614) 644-5076
Bryanna.Austin@ohiohouse.gov



Chairman:

My name is John Adams. I served in the Ohio House for four terms representing the people of the 78th District. I sponsored the House version of SB-165 of the 129th General Assembly. The Founding of America Documents Bill was originally sponsored approximately 8 years earlier by Representative Diana Fessler who currently is serving on the State School Board.

Since passed, student test scores have been a resounding success, as test scores have risen every year. What would be the reason for reducing the testing requirement for the study of these documents...the documents that formed this nation.

It is important that high school students learn and understand United States history and the governments of both the school course but equivalent as to a Am. S. B. No. 165 As Passed by the Senate United States and the state of Ohio.

Therefore, beginning with students who enter ninth grade for the first time on or after July 1, 2012, the study of American history and American government required by divisions (B)(6) and (C)(6) of this section shall include the study of all of the following documents:

- (1) The Declaration of Independence;
- (2) The Northwest Ordinance;
- (3) The Constitution of the United States with emphasis on the Bill of Rights;
- (4) The Ohio Constitution.

The study of each of the documents prescribed in divisions (M)(1) to (4) of this section shall include study of that document in its historical context.

The study of American history and government required by divisions (B)(6) and (C)(6) of this section shall include the historical evidence of the role of documents such as the Federalist Papers and the Anti-Federalist Papers to firmly establish the historical background leading to the establishment of the provisions of the Constitution and Bill of Rights.

These words are from SB-165. To reduce any portion of the current testing is a failure on your part and the education of our children. It is known that testing drives curriculum. Is Critical Race Theory more important? What do you plan in this bill as a replacement regarding the reduced testing requirement. I and citizens of Ohio would be astounded to learn of the actions of not wanting to teach and test on the Founders Documents. I oppose this bill for this suppose.

John Adams
1509 Bon Air Cir.
Sidney, Ohio 45365

Dear House Education Committee,

Here is my testimony about HB 73 currently before your committee.

As a veteran teacher, I cannot possibly emphasize the importance of keeping American history and government courses- with exams- as standard curriculum for our all of our Ohio students. Without testing, it signals this is really not important; kids, like adults, know whether coursework has merit because someone actually cares about testing that knowledge.

This past weekend I was duly impressed at a first grade grandchild who had memorize the first amendment in its entirety! Older high school siblings chimed in on the application of the amendment – impressive. I would like all our PUBLIC students to have access to such quality discussions as I have seen with my privately educated grandchildren.

As a veteran 8th grade inner city Ohio teacher, I urge you to oppose HB 73. Our citizens of tomorrow need a strong civic minded foundation for decision making.

Thank you. Sincerely,
Denise Aman

OPPONENT TESTIMONY OF TIFFANIE BROADBENT

Chairman Manning, Vice Chair Bird, Ranking Member Robinson, and honorable members of the House Primary and Secondary Education Committee. My name is Tiffanie Broadbent, I am a long-time resident of Ohio, currently living in Beachwood in Cuyahoga County. I graduated from Olentangy High School, not far from here in Delaware County, and received my Bachelor's degree from the University of Chicago. I'm a mother of two and a former educator, having held nearly every school position you could name, from classroom assistant to administrator, in seven different districts in four states, including Ohio.

I appreciate the opportunity to speak with you this afternoon as a strong opponent of House Bill 73. Of particular concern to me is the change in end of year testing proposed in this bill, specifically the plan to consolidate the high school end-of-course exams in American History and American Government.

I'm a bit surprised to find myself here today because I would not normally be arguing to retain standardized tests. I would normally be standing with the people who want to do away with much of our testing, to work against a system that encourages "teaching to the test", because I know that approach usually diminishes genuine learning. So if this bill were about reducing the testing burden in our schools over all, across all content areas, I would feel differently. But this bill is not about reducing testing in all content areas.

I am concerned that condensing the American Government and American History tests into one will result in an overall reduction in the material being tested, and therefore will contribute to a devaluing of that material in the classroom a process that is already taking place in many districts, and which is dangerous to students and to our society.

Having worked in struggling districts, and having in fact been the Testing Coordinator at a charter school in the Collinwood neighborhood of East Cleveland, I can tell you that, for good or bad, many schools live and die on their test scores. For charter schools in particular, showing improvement on test scores is a big factor in the survival of the school. The teachers and administrators I knew had much nobler aims than mere test scores, but they knew that if they did not help their students perform better on the tests, then the school was in danger of being shut down. In struggling public districts (non-charterd), test scores can make the difference in retaining local control versus being administered by the state. When schools are facing consequences that drastic from testing achievement, they absolutely have to make testing their priority. If we keep other content area tests the same, but reduce the requirement by condensing these tests, I fear the result will be diminished commitment to these content areas because administrators have to emphasize first the scores that keep their doors open.

Not all schools are in this position, but all public schools do use test scores as part of the ecosystem of funding, reputation, and community support. I predict this change in testing will lead to three different reactions among teachers in most districts: There will be a group of teachers who will continue to teach our founding documents in the same way, either because

they believe in their importance, or they understand their statutory duty to teach them, regardless of test scores. A second group of teachers, realizing that their students will no longer be tested as thoroughly as before, will continue to teach our founding documents, but with less time and emphasis than they have in the past.

But there is another group of teachers who really concern me. Those are the teachers who are presently teaching our children that our founding documents are stained by the flaws of their authors, that our country is inherently racist, from its founding to its present, who denigrate our founding because we have been flawed in our execution of it. I am referring, of course, to the 1619 project curriculum. This curriculum, based on an ahistorical journalism project, directly conflicts with, and is diametrically and existentially opposed to, the import of the foundational documents which this statute requires be taught to our students. The upshot is that our children are being taught myth, or even propaganda, presented as history, and as such, this curriculum has no place in our schools, even according to most local school district policy manuals, which require that all information presented to the students be accurate.

There is an alarming trend of teacher activism and partisanship being pushed on our students under the guise or "action civics." All too often, teachers and sometimes whole districts, push their own partisan political views on students and call it "Citizenship." The teachers who teach our children from such a flawed and false curriculum, may see this bill as a signal that our state is warming to their ahistorical and derogatory views about our founding documents. I fear they will see this bill as permission to continue degrading the content they often openly despise.

What is the antidote to this misdirection? I would love to see us in Ohio move toward a more solid understanding of public education as strictly non-partisan and apolitical. This will require many more steps than we can approach today; but I worry that this bill will move us farther from that ideal.

I leave you with a final thought, as a former English teacher who had to fight tooth and nail to teach Martin Luther King and Frederick Douglass to my students in rural North Carolina:

What happens to Dr. King's dream when we aren't educating our children to be like Dr. King anymore? When our children can't connect with him because we no longer give them the benefit of the wisdom he received through his relationship to our founding documents?

As much as some may wish to deny or rewrite our history, our greatest ideas have come to us through the cannon of Western wisdom that drove our Founders to create the system that is the birthright of every single American. It is our sacred trust to ensure that the principles of liberty, equality, and individual rights present in our founding documents, are still made vivid and important to our children. It is their birthright.

It would be a grave mistake to reduce the only method we have to determine whether or not teachers are actually teaching the documents and the concepts within those documents in a manner prescribed by the statute, and that is the achievement tests. That is why this

amendment must be rejected by this committee in whose hands the thinking of our children, our future leaders, will be molded. Thank you.

To: Members of the Primary and Secondary Education Committee
From: William J. Federer
Re: **H.B. 73**

Thank you for the opportunity to submit testimony in opposition to H.B. 73.

My name is William J. Federer and I am a speaker/lecturer on American history. As an author of 20 books, and a frequent radio and television guest, my travels take me to over 100 cities a year. I have spoken in colleges, universities, schools, military bases, and innumerable other settings in the last 25 years. A common reaction after a lecture is “Why was I not taught this basic American history in school?”

This is why I oppose H.B. 73.

If testing is reduced, studying will not take place, and the history will be lost.

Roman Statesman Cicero wrote in Ad M. Brutum, 46 BC: “Not to know what happened before you were born is to be a child forever.”

British Statesman Edmund Burke wrote in his Reflections on the Revolution in France, 1790: “People will not look forward to posterity who never look backward to their ancestors.”

Harvard Professor George Santayana wrote in Reason in Common Sense, Volume I of The Life of Reason (1905): “Those who cannot remember the past are condemned to repeat it.”

Pulitzer Prize winning historians Will and Ariel Durant wrote an 11-volume, The Story of Civilization (published 1935-1975), in which they examined the rise, flourishing and fall of major world civilizations. In a companion book, The Lessons of History, 1968, the Durants wrote: “Civilization is not inherited; it has to be learned and earned by each generation anew; if the transmission should be interrupted ... civilization would die, and we should be savages again.”

There have been approximately 6,000 years of recorded human history, with the first evidence of civilized man appearing in the Mesopotamian Valley around 4,000 BC. In all this time, the typical form of government has been monarchy, with power concentrated into the hands of one person, sometimes called a Pharaoh, Caesar, Czar, Kaiser, King, Emperor, Monarch, Sultan, Maharaja or Communist Dictator. If someone was friends with this leader, they were more equal, if they were not friends with this leader, they were less equal; and if they were an enemy of this leader, they were dead – it’s called treason.

There were only a few dozen significant alternatives to monarchy throughout the ages, and they all collapsed: Democracy of Athens, Republic of Rome, Icelandic Commonwealth, Italian City-States, Seven United Netherlands, etc.

When America's experiment without a king began, Ben Franklin addressed the Constitutional Convention, June 28, 1787: "We have gone back to ancient history for models of Government, and examined the different forms of those Republics which, having been formed with the seeds of their own dissolution, now no longer exist."

America's Declaration of Independence made a revolutionary statement, "all men are created equal, that they are endowed by their Creator with certain unalienable Rights..." eventually resulting in everybody being recognized as equal, no matter which race, sex or economic status.

President Calvin Coolidge stated at the unveiling of the equestrian statue of Bishop Francis Asbury, October 15, 1924: "The history of government on this earth has been almost entirely a history of the rule of force held in the hands of a few. Under our Constitution America committed itself to the practical application of the rule of reason, with the power in the hands of the people."

President Ronald Reagan stated in 1961: "In this country of ours took place the greatest revolution that has ever taken place in the world's history...Every other revolution simply exchanged one set of rulers for another."

Daniel Webster stated in his Fourth of July Oration, Fryeburg, Maine, 1802: "We live under the only government that ever existed which was framed by...deliberate consultations of the people. Miracles do not cluster. That which has happened but once in 6,000 years cannot be expected to happen often. Such a government, once gone, might leave a void, to be filled, for ages, with revolution and tumult, riot and despotism."

TIME Magazine published the article "Looking to Its Roots" (May 25, 1987): "Ours is the only country deliberately founded on a good idea. That good idea combines a commitment to man's inalienable rights with the Calvinist belief in an ultimate moral right and sinful man's obligation to do good. These articles of faith, embodied in the Declaration of Independence and in the Constitution, literally govern our lives today."

President John Quincy Adams: "Posterity - you will never know how much it has cost my generation to preserve your freedom. I hope you make good use of it."

Thank you for taking the time to listen to this testimony in opposition to H.B. 73.



**TESTIMONY BEFORE THE OHIO HOUSE OF REPRESENTATIVES
PRIMARY AND SECONDARY EDUCATION COMMITTEE
HOUSE BILL 73, REGARDS EDUCATIONAL TESTING, ASSESSMENT, AND
RETENTION
MAY 18, 2021**

**OPPONENT TESTIMONY OF MICHAEL GOLDSTEIN, ESQ.
STATE OF OHIO DIRECTOR AND GENERAL COUNSEL
PROCLAIMING JUSTICE TO THE NATIONS**

Chairman Manning, Vice Chair Bird, Ranking Member Robinson, and honorable members of the House Primary and Secondary Education Committee. My name is Michael Goldstein, and I am the State of Ohio Director and the General Counsel of Proclaiming Justice to the Nations, a Christian organization dedicated to educating Christians on their Biblical duty to support and defend the State of Israel and the Jewish people, particularly during this time of rising anti-Semitism. PJTN is on the web at www.pjtn.org.

I appreciate the opportunity to speak with you on behalf of PJTN and its members as a strong opponent of House Bill 73, the Testing Reduction Act, regarding altering the statutory requirement for the teaching of the American and State of Ohio Foundational Documents in American History and American Government courses by combining the statutorily mandated two high school end-of-course exams in these subject areas.

I will leave to others to relate the 12-year history of the struggle to pass and implement the underlying legislation requiring the teaching of these foundational documents to our children and grandchildren, and the Department of Education's failure to provide even one of the statutorily-mandated every six-month progress reports in the eight-year period following implementation by the General Assembly of the requirement that it do so.

Rather, I will focus on the absolute necessity for our children and grandchildren to be taught and to internalize the nature of these documents, what they mean to America and to Ohio, and who created the documents and why and how they did so. This is our history, and without this knowledge our children and our country will be lost. PJTN's interest in this matter is to try to ensure that all Americans continue to understand the treasure of our founding documents and how they continue to maintain America as a strong and moral nation.

I will speak specifically about the least widely known and understood of these foundational documents, the Northwest Ordinance.

As part of the negotiated settlement between the new United States and Great Britain at the end of the Revolutionary War, our American delegates insisted that Britain cede to the U.S. the Northwest Territories, the land north and west of the Ohio River. They were so insistent on this provision that they stated that the U.S. would resume armed hostilities should the British refuse. The acquisition of this vast land doubled the area of the United States.

During the Revolutionary War Continental Army soldiers received little to no pay from the Continental Congress for their brave, uncomfortable, dangerous, and often mortal services. It was projected that these men would be offered land grants in the west in compensation. A group of these former officers and men created a stock company to negotiate a contract between their shareholders and the Continental Congress. In 1787 The Ohio Company, as it was known, sent Manasseh Cutler, a Boston Pastor and veteran Continental Army Chaplain, to negotiate with the Congress the terms of what became the Northwest Ordinance. Cutler met with the Continental Congress in New York City where it was sitting at the same time the Constitutional Convention was meeting in Philadelphia.

The Ohio Company refused to accept a contract with the government concerning the Northwest Territory if the ordinance did not contain three remarkable, unprecedented conditions: freedom of religion, free universal education, and most importantly, the prohibition of slavery. The Northwest Ordinance as passed contained all three of these requirements. In the whole of the territory there would be absolute freedom of religion and particular emphasis on education, matters New Englanders considered fundamental to a just and admirable society.

As would be observed by historians long afterword, the Northwest Ordinance was designed to guarantee what would one day be known as the American way of life.

The first Ohio Company settlement in the Northwest Territory was Marietta at the confluence of the Ohio and Muskingum Rivers in what became Washington County, Ohio. Noted Author David McCullough, with whom I spoke in Marietta about these issues, is the author of biographies of Presidents John Adams and Harry Truman. Two years ago he released his latest book, *The Pioneers*, the history of the Ohio Company, the Northwest Ordinance, and "the settlers who brought the American Ideal West."

In its Article III, the Ordinance was quite clear on the matter. "Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged."

That such emphasis be put on education in the vast new territory before even one permanent settlement had been established was extraordinary. But of even greater importance was the fact that outside of New England there was then no such thing in the United States as a system of state supported schools of any kind. Before the year was out, in the contract between the Ohio Company and the Board of Treasury it would be specified that a section in each township was to be reserved for common schools and be "given perpetually to the use of an University."

Importantly, the same Article III of the ordinance stated that the "Utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent . . . they shall never be invaded or disturbed, unless in just and lawful wars authorized by Congress."

But it was Article VI that set forth a tenet such as never before stated in any American constitution. "There shall be neither slavery nor involuntary servitude in the said territory." This was agreed to at a time when slavery existed in every one of the 13 states, and in every other nation on the planet. It was almost unimaginable that throughout a new territory as large as all of the 13 states, there was to be no slavery.

The Ordinance recognized religion, morality, and knowledge as foundations of civil government, and Manasseh Cutler was "acting for associates, friends, and neighbors, [who] would not embark in the enterprise, unless these principles were unalterably fixed." The Northwest Ordinance of 1787 would prove to be one of the most far-reaching acts of Congress in the history of the country.

As one widely respected, later-day historian, Albert Bushnell Hart of Harvard university would write, "never was there a more ingenious, systematic and successful piece of lobbying than that of the Reverend Manasseh Cutler," and that the great Northwest Ordinance of 1787 stands alongside the Magna Carta and the Declaration of Independence as a bold assertion of the rights of the individual.

Ohio Constitutional Convention: It was in Chillicothe, during the Ohio State constitutional convention convened in November 1802, that Washington County delegates Rufus Putnam and Ephraim Cutler (son of Manasseh Cutler), stood firm on an issue of utmost importance that they, like others, had thought long since settled -- the question of slavery in Ohio. In derogation of the Northwest Ordinance, the predecessors of this, our Ohio House of Representatives, almost voted to bring Ohio into the Union as a slave state.

The immediate issue at Chillicothe centered around what was to be Article VIII of the new Ohio constitution. The first preliminary discussion of the matter took place at the home of Dr. Edward Tiffin, a resident of Chillicothe and a Jeffersonian, who was speaker of the Ohio House of Representatives.

The subject was the question of whether Ohio would permit or exclude slavery. The chairman of the committee, John W. Browne, proposed a section that would define the issue quite simply: "No person shall be held in slavery, if a male, after he is 35 years of age; or a female, after 25 years of age." In other words, the tenet of the Northwest Ordinance of 1787 stating in no uncertain terms that there would be no slavery was to be eliminated. Slaves would be permitted in Ohio up to certain ages, which meant Ohio was to enter the Union as a slave state.

Due to the hard work of the two representatives to the convention from Washington County, slavery was successfully eliminated from Ohio. As Ephraim Cutler wrote, "It cost me every effort I was capable of making, and [my anti-slavery position] passed by a majority of one vote only." It was a landmark moment.

It is extremely important that our children, our high school graduates, the future leaders of Ohio and of the United States, fully internalize their history, and understand that the Northwest Ordinance was designed by exceptionally good and dedicated people to guarantee what would one day be known as the American way of life. Any action which would dilute the conveyance of this message to our students, such as the bill under consideration by this committee today, should not be voted favorably out of committee. On behalf of Proclaiming Justice to the Nations I urge each of you to vote "No" on this bill.

Chairman Manning, Vice Chairman Bird, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee:

As a member of the Riverside Local School District Board of Education in Lake County, Ohio, I am compelled to speak out against House Bill 73 because it erodes the common threads which unite all Americans: Our Founding ideals and our common history. Our country is unique because it was founded on universal ideas and human aspirations, and not by race, ethnicity nor any other physical human trait, which are the basis for most other countries in the world.

These ideals, which are the only bands which which can unite us as one country, need to be understood, valued and revered by all members of our society in order for America to be harmonious and prosperous. America's greatest strength is it's diversity, but diversity can also be America's greatest weakness especially when it is used by demagogues to divide us politically and culturally by traits over which none of us have any control.

To ensure diversity remains America's greatest strength, we need to do our part to ensure all Ohio students understand the greatness of America's Founding Documents, and how those documents were used, mostly for good but sometimes for ill, throughout American History. These are two separate, but complimentary disciplines, must be maintained as such to ensure we have at least one area of common understanding across all elements of our heterogeneous society to serve as a basis for tolerance, understanding and compromise.

As a school board member, my highest aspiration is to help my district graduate upstanding citizens who understand America's Founding, know their history and have a life-long commitment to do their part to ensure self-government, through our representative form of government, continues into perpetuity. It would be a travesty for this body to deliberately choose to diminish our student's understanding of the country they will one day inherit, and to increase the likelihood of strife and conflict in our society because lack of understanding.

I ask you to vote against House Bill 73

Sincerely,
Thomas Hach
Member
Riverside Local Schools Board of Education

May 17, 2021

Dear Members of the Primary and Secondary Education Committee:

I am writing in opposition to the change proposed in H.B. 73 which would combine the end-of-course exam for American History and American Government.

If any change is going to be made, it should be to increase the teaching of civic literacy with age-appropriate materials in all K-12 grades. The assaults are many on the foundations of our country from the federal government (<https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>), the state level (approval of Kohler's Racism Equity Resolution on July 14, 2020 by the Ohio Board of Education OBE) and local school boards (implementing Critical Race Theory).

I suggest you take a look at this article by Stanley Kurtz. <https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/> and the report from the National Association of Scholars which explains the methodical and extensive deterioration of **civics literacy** that has been taking place for several decades in colleges and universities. This has been planned and is well-funded as you will read and involves K-12 education in this subject area as well. The anti-liberty, professional agitators, in the form of university administrators and faculty, have been baking this into our polity, specifically college students & younger, via civic engagement, aka service-learning. The college graduates become the teachers in K-12 schools in Ohio. They are trained in civic engagement, not necessarily civic literacy.

Here is a link to this very informative report: <https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics> This report explains as well the foray into getting students to focus on global citizenship at the expense of American citizenship.

For your information, Chairman Manning was the co-sponsor on the original HB 165 in 2011-2012 which supported the teaching and exams on Founding Documents in the American History and American Government curriculum. Why is she in opposition to it now?

Please do not approve the combining of exams of American History and American Government which H.B. 73 contains in your education committee in the Ohio House. Students need more civic literacy learning, not less.

Thank you.

Sincerely,
Kirsten Hill
Member, State Board of Education
440-201-2306



**PROCLAIMING JUSTICE
TO THE NATIONS**

**TESTIMONY BEFORE THE OHIO HOUSE OF REPRESENTATIVES
PRIMARY AND SECONDARY EDUCATION COMMITTEE
HOUSE BILL 73
REGARDS EDUCATIONAL TESTING, ASSESSMENT, AND RETENTION
MAY 18, 2021
KATHY JOHNSON
ASSISTANT OHIO STATE DIRECTOR**

Page | 1

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and honorable Members of the House Primary and Secondary Education Committee:

My name is Kathy Johnson, and I am Assistant Ohio State Director for Proclaiming Justice to the Nations. Thank you for the opportunity to express my comments today about House Bill 73 - Regards Educational Testing, Assessment, and Retention.

I understand that House Bill 73 is a bipartisan bill that seeks to reduce educational testing requirements. In some aspects, this may be a beneficial amendment to reduce certain existing and required testing, such as the college admission assessment that is currently required of all students. However, the absolute exception to any relaxation of required examinations must be in the areas of end-of-course testing for American History and American Government.

Recall that in 2012, the 129th General Assembly passed the Founding of America Documents Curriculum, for grades 8–12. This milestone in Ohio education includes and requires one full credit hour comprised of one-half credit in American History and one-half credit in American Government, with an end-of-course examination for each. These curricula include study of and proficiency in the original texts of the Declaration of Independence, the Northwest Ordinance, the U.S. Constitution with emphasis on the Bill of Rights, the Ohio Constitution, and the Federalist and Anti-Federalist Papers. The success of these curricula has been individually verifiable because of the separate testing requirement for each.

We must acknowledge that House Bill 73 does not alter or change the statutory requirement for instruction in American History or American Government.

However, what House Bill 73 does require is the altering and combining of the end-of-course testing for American History and American Government from two separate examinations down to one. This would necessarily weaken the emphasis on, and create a reduction in, the quantifiable measure of student mastery for these extremely central and important subjects. These are areas of education for which content accountability for school districts, teachers and students must be prioritized, and cannot be relaxed. The separate and equal examination requirements are the decisive measures of accomplishment that must remain solid, continuing, and uncompromised.

The classroom time spent on these subjects is an investment in America and in Ohio that must not be diminished. If objective measurements are weakened, we may see a drift toward an honor system for allocated time and teaching for these subjects that could very easily and quickly become reduced, considering the many responsibilities and mandates of the day-to-day classroom environment. Decreasing accountability for this educational material would decrease the mastery of the material.

The two-part examination requirement which focuses on the specific areas of American History and American Government absolutely must be strongly maintained and, if anything, strengthened to also reinclude these subjects in the high school graduation test.

American History and Government are the very foundations of American citizenship. The rights and responsibilities of citizenship must create a common thread that connects all Americans.

Additionally, our youngsters of today are the leaders of tomorrow. Each of our youth who may eventually choose to serve in public office will swear an oath to the US Constitution and to the Ohio Constitution. Those who may serve in the military will one day swear an oath to protect and defend the Constitution of the United States of America against all enemies, foreign and domestic. These oaths must be respected, understood, and regarded as solemn and sincere promises. The concepts and history behind these oaths of office must be well learned and respected if our Constitutional Republic and our great State of Ohio are to endure.

It is for these important reasons that we must firmly oppose House Bill 73. I must respectfully ask the honorable members of the Primary and Secondary Education Committee to unite in rejecting this amendment to existing statute.



Advocating for Life, Faith, and Freedom in the Public Square

To: Members of the House Primary and Secondary Education Committee
From: Chris Long, President Ohio Christian Alliance
Re: Opponent testimony H.B. 73

I would like to thank Chairman Manning, Vice Chairman Bird, Ranking Member Robinson and members of the House Primary and Secondary Education Committee for hearing our testimony today in opposition to H.B. 73 that would eliminate end of course examination in American Government and American History.

Let me begin with a brief legislative history for the committee's benefit on legislation that was passed in the 129th General Assembly in 2012 named The Founding of America Documents Curriculum, legislation that strengthened American Government and American History curriculum in Ohio schools from grades 8-12. At that time, it was sponsored by State Rep. John Adams and State Senator Larry Obhof.

Our organization has supported strengthening American Government and History standards in Ohio schools for the past twenty years. We first started supporting legislation in 1999 that would accomplish what eventually S.B. 165 did accomplish, assuring that Ohio school children learn the importance of The Declaration of Independence, The Northwest Ordinance, The Constitution of The United States with emphasis on the Bill of Rights, The Ohio Constitution, the Federalist Papers, and the Anti-Federalist Papers in the Ohio Classroom in grades 8-12 with and end of course exam.

It took more than ten years to convince enough legislators, members of the State School Board, and an Ohio governor that the time had come to strength American Government and American History standards in Ohio schools with an emphasis on the founding documents of our nation. Then in the 129th General Assembly with broad bipartisan support in both the Ohio House and the Ohio Senate, S.B. 165 was passed and signed enthusiastically by Governor Kasich. The State School Board passed an endorsing resolution supporting the effort. The Ohio Historical Association launched an effort to highlight the legislation and the importance of the Founding Documents, as well as Ohio's role in our early founding. Former Secretary of State Jon Husted launched a Founding Fathers Initiative to support the effort, as well.

The reason for the original concern was that Ohio's graduating seniors had low proficiency rates in American Government and American History. Newsweek Magazine in 2011 conducted a poll of 1,000 adults nationwide with 20 basic questions on American civics. They included the results in an article titled, "How Dumb Are We?" Only 62% of those polled passed the test. Included were such basic questions as "What happened at the Constitutional Convention?" (only 35% got that correct), "What is one power of the federal government?" (only 19% could list one power belonging to the federal government), and "What is the supreme law of the land?" (only 30% knew that The U.S. Constitution is the supreme law of the land). It was because of the alarming results that the effort was launched to enact the Founding of America Documents Curriculum for Ohio school students.

P.O. Box 3076 Akron, Ohio 44309 330-887-1922 phone 330-247-9902 fax

That great founding patriot, John Adams, once warned his generation that, "A Constitution of Government once changed from Freedom, can never be restored. Liberty, once lost, is lost forever."

Thomas Jefferson stated, "If a nation expects to be ignorant and free, in a state of civilization, it expects what never was and never will be."

George Washington, our first President, demonstrated by his act of stepping down from his elected office, that we truly were a republic, not a monarchy. When King George of England heard this, he stated, "If he steps down, he truly will be the greatest man in the world." George Washington was following those guided restrictions on governmental office laid out in the U.S. Constitution. As our first chief executive, he stated, "The Constitution is the guide which I never will abandon." This is not a time for us to abandon the Constitutional studies in the Ohio classroom; far from it. It's a time when we should be emphasizing our Founding Documents and the freedoms and liberties that they afford every citizen.

The threat of ignorance of governmental studies still exists in the U.S. population. In 2018, the Annenberg Public Policy Center of the University of Pennsylvania issued the findings of their civics knowledge survey of 1,008 U.S. adults. The results were released in time for Constitution Day on September 17th. The survey found that many people do not know how the branches of government work.

- A quarter (27%) incorrectly said the Constitution allows the President to ignore a Supreme Court ruling if the President believes the ruling is wrong.
- A third (33%) of respondents could not name any of the three branches of government

Here in Ohio, however, we see higher proficiency rates in American Government and American History by our high school students over the last handful of years. This is due to the Ohio success story of strengthening American Government and American History standards in grades 8-12. The success of S.B. 165 is something in which all Ohioans can take pride.

For the past nine years, Ohio has been making progress, as general knowledge of our constitutional form of government and our founding documents has increased among our graduates. This is due in large part to the fact that The Founding of American Documents Curriculum requires one full credit hour for the course study, one-half credit for American History and one-half credit for American Government, with an end of course exam for each that guarantees it will be taught in the classroom. Without the examinations, teachers will not be compelled to take the time for this course study of our founding documents. S.B 165, The Founding of America Documents Bill, Ohio's current curriculum standards, stipulates that American History and American Government are two distinct courses. These courses are taken separately, each with an end-of-course exam, after which a half-hour credit is at that time accumulated by the student for each individual course. These are separate courses, and therefore must not have combined end-of -course exams. It is for this reason that we oppose H.B. 73 which is an attempt to reduce or eliminate the testing requirement.

Thank you, Chairman Manning, and members of the Primary and Secondary Education Committee. I will be happy to answer any questions you might have at this time.



House Primary and Secondary Education Committee
House Bill 73 Testimony
Buckeye Association of School Administrators
Ohio Association of School Business Officials
Ohio School Boards Association
May 18, 2021

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee, thank you for the opportunity to present written testimony as interested parties to House Bill (HB) 73. This testimony is submitted by Kevin Miller, Director of Governmental Relations for the Buckeye Association of School Administrators, Katie Johnson, Deputy Executive Director of the Ohio Association of School Administrators, and Jennifer Hogue, Director of Legislative Services for the Ohio School Boards Association.

We express appreciation to Representative Manning and Representative Crawley for sponsoring HB 73. This legislation addresses important issues in Ohio's public schools by reducing high stakes testing and the impact of that testing on individual students.

We understand that an amendment will be introduced to remove the provision that would eliminate the requirement for high school students to take a nationally standardized college admission assessment for graduation, but that this item will still be addressed by HB 82. The language in HB 82 parallels the language currently in HB 110, providing an opt-out provision for caregivers who do not wish for their student to take the nationally standardized assessment. We support making the ACT and SAT an optional test, removing it as a graduation requirement, and allowing students and their caregivers to decide if the student will take the test.

We also support the provision that reduces the number of end-of-course examinations required for graduation from five to four by combining the American history and American government end-of-course exams into one exam. This change would be implemented beginning with the Class of 2024. The new exam would still continue to assess mastery of American history and American government content standards and the founding documents as required by the minimum high school curriculum.

In addition, our organizations support the elimination of the provisions regarding retention of third grade students who do not attain the required score on the third-grade English language arts assessment. The ability of a student to move to fourth grade should take into consideration many more elements than just performance on the third grade English/language arts assessment. Our school districts implement many programs and interventions to support

students and to ensure that they have the literacy skills necessary to successfully move to fourth grade. The decision to move a student to fourth grade is a decision that should be made by those who most closely work with the student and who analyze the performance and skills of the student from a variety of perspectives. HB 73 acknowledges this process.

We understand that the goal of HB 73 is to minimize high-stakes testing for Ohio's students, and we applaud that focus. However, the inclusion of mandated testing work groups who are charged with carrying out a variety of duties creates an undue burden on school districts. The testing workgroup provisions in the bill create very specific, regimented actions that a district must take to analyze the amount of time students spend on district and state-required testing. We suggest making those actions permissible so that districts can develop testing analysis strategies that best suit their needs. Additionally, we request that support be provided from ODE for districts to implement audits of their testing programs.

Thank you for the opportunity to provide input on HB 73.



Ohio Federation of Teachers AFT, AFL-CIO

A Union of Professionals

1251 E. Broad Street
Columbus, OH 43205

**Proponent Testimony on HB 73
Presented by Darold Johnson
Director of Legislation
Ohio Federation of Teachers
May 18, 2021**

Chair Manning, Vice Chair Bird, and ranking member Robinson, my name is Darold Johnson, Director of Legislation of the Ohio Federation of Teachers (OFT). OFT represents 20,000 teachers and paraprofessionals in rural and urban school districts and public employees across the state of Ohio. OFT supports House Bill 73, which reduces the number of high school tests and establishes a method to review overall testing in school districts.

Assessment is an integral part of the instructional process. Having a **balanced** assessment system in place to support student learning is critical. Standardized state tests are one form of assessment and **can be** part of a balanced assessment system. Because state standardized tests are used for accountability, the emphasis on them upsets the balance with their taking on a larger role than they should. When standardized state tests are used to label schools, districts, or teachers, it expands their role to be the focus of the school or district rather than individual student learning being the focus. As a result, time is spent during the school year preparing for the state assessments often at the expense of more authentic learning. Assessment has a role in advancing student learning, but it is important to fully understand the uses of different types of assessment in accomplishing this goal.

In 2015, OFT published a position paper on testing that called for ending the testing mania in Ohio schools and moving toward a **system of assessments** that supports authentic learning. The legislature adopted many of those recommendations. HB 73, goes further by reducing high school exams and requiring local school districts to form a work group locally to examine the amount of time spent in testing which will naturally need to include a discussion of the use and usefulness of assessments. It is time for an assessment **system** to be in place which can be used to provide the data needed to help students learn and progress.

To understand the uses and types of assessment in an assessment system, let's look at each – all of them necessary to be present in a balanced assessment system. Essentially, there are three types of assessments that educators need – diagnostic, formative, and summative. **Diagnostic** assessments are given **at the beginning** of the

instructional process to determine where a student is at a particular point in time in order to have a baseline and provide results that help teachers plan future instruction and tailor interventions for individual students. They provide instructors with information about student's prior knowledge before beginning a learning activity. **Formative** assessments are used to track learning during the instructional process. They must be a routine part of classroom activity and not an interruption. These are the most valuable form of assessment as they directly impact next steps in day-to-day teaching to ensure that students' needs are met. Examples include daily quizzes, discussions in class, reviews of student work in class, observations, exit slips, homework and any activity that allows the teacher to see where students are at that moment in time. **Summative** assessments are conducted at the completion of learning as a final opportunity to determine what the student has learned and often to make judgements about students (grades) or the larger elements of the instructional process. In the classroom, these include end of unit tests, final exams, and performance-based activities.

State tests are summative assessments. They are not useful in the direct instruction of students due to the delay in getting results. By the time state test results are in, the students have moved on to the next grade level and a teacher has no opportunity to continue working with the students. State assessments are useful for looking at trends or gaps in learning. State summative tests are best used to determine large-scale, systematic or programmatic changes, including changes in materials/textbooks to purchase, curricular decisions, staffing, and professional development. They are not useful for day-to-day instruction for teachers. However, they can shape system improvement in the future. Depending on the type and quality of the test and data, individual educators can benefit by reflecting on the data and taking steps to modify strategies and techniques going forward

Reducing the number of state tests can free up valuable instructional time. Because state assessments are used for report cards, including rating and ranking schools and districts, they take on an importance that can be detrimental to the learning process. When we focus on schools and districts rather than the student, the stress of making sure the students do well on "the test" produces a plethora of unnecessary assessments - benchmarks, pre-tests, test practice. In preparing to pass the state assessment, there is often too much time spent testing to see if a student is on par to pass "the test" rather than in authentic learning. This the opposite of what we all intend for our children.

Therefore, reduction in the number of state assessments is beneficial, but we also need to have a conversation about the use of assessments in the overall accountability system as well as a district/school level conversation of the most effective use of assessment. This is why the HB73 requirement to convene a work group at the local level is appreciated.

INVOLVING CLASSROOM TEACHERS IN DETERMINING THE FORMATIVE/DIAGNOSTIC ASSESSMENT SYSTEM AT THE LOCAL LEVEL – District Work Groups

The requirement in HB73 to convene a work group to review the time spent on testing and make recommendations on how to reduce testing locally is a good one. It is vital for local district administration and teachers to work **together** to determine what their students need, what contributes to student learning, and to feel confident that students can progress organically as opposed to artificiality imposed testing for accountability purposes. It is essential to include voices from the classroom in determining the assessments that support the standards being taught and provide information that can guide educators in taking the next steps to ensure students are learning the standards. With an effective diagnostic/formative assessment system in place, teachers will be able to maximize instructional time, determine ways to share responsibility for their students, and focus on creating positive learning environments that foster student growth and provide the supports students need to advance their learning.

ACT and SAT flexibility

The bill allows parents of juniors to determine if their children take the ACT OR SAT exams. With colleges are moving away from requiring ACT and SAT for admission flexibility is needed. Studies show that grade point average is a better determinant of how a student will do in college. Providing flexibility allows parents who children seek a vocational path the ability to do so with less stress.

We support reducing the number of end-of-course examinations required for graduation from five to four by combining the American history and American government end-of-course exams into one exam. Fewer tests means more instructional time..

HB 73 continues to move the ball down the field. We thank Rep. Gayle Manning and Rep. Crawley for introducing this bill and seeking our input during the drafting process. We also trust that any language changing graduation requirements will be harmonized with this bill. OFT supports passage of HB 73 and I welcome any questions.

Dear Primary and Secondary Education Committee,

I am writing this email in the hopes that you do not move forward with House Bill 73. I believe this is another attempt by the socialist arm of the Democratic party to indoctrinate our children, and to make sure that our children do not know their rights or history.

I defended this country and its constitution as an Air Force Officer, and I will continue to do so. Some battles are not fought with physical weapons, but with mind control and indoctrination. This is the way to destroy a country without firing a single shot. We must hold the line, and protect our values. It's the little things that we must protect and look out for. This House Bill is an example of veiling the left's attempt to not require our children to learn the Constitution and other significant historical documents.

What would happen if we raised a generation who do not regard the Constitution as sacred and irreplaceable? What if they didn't learn the history of how we became a Sovereign Nation? If we allow this Bill to become Law, we will find out.

I am asking that you do not cave to the Democratic controlled teacher's union, and their Socialist/Communist agenda. Our schools are not meant to be breeding grounds in for the very values that we in our Nation's Armed Forces have fought to eradicate.

Thank you for your time and consideration.

Kindest regards,

Tom Petek
440-653-1827-cell

I have been a teacher, coach, and business owner for many years. I received a great education from Lakewood HS. It is crime what is happening to our schools and the education of our children. They need to be taught American History and our US Government like I was taught back in the 1950's and 1960s. Without informed legal citizens, our democratic republic will cease to exist. We need Faith, Family, and Founding Fathers education. You are mos welcome to call me for my views.



OHIO EDUCATION ASSOCIATION

Scott W. DiMauro, President
Jeffrey Wensing, Vice President
Mark A. Hill, Secretary-Treasurer
Patricia Collins Murdock, Executive Director

The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

**House Primary and Secondary Education Committee
HB 82: OEA Proponent Testimony
Tuesday, May 18, 2021**

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and members of the Committee:

My name is Jeff Wensing. I have 26 years of experience as a high school math teacher in the Parma City Schools; and I currently serve as Vice President of the Ohio Education Association (OEA). On behalf of the 120,000 members of OEA, thank you for the opportunity to provide written testimony in support of House Bill 82. The bill would remove taking the ACT or SAT as a graduation requirement and allow for voluntary participation in the test. OEA supports the bill.

Current law prescribes that the ACT or SAT be administered to all 11th grade students each spring. It is a great benefit to students that the state offers a paid administration of a college entrance exam. OEA is fully supportive of encouraging as many students as possible to attend college. However, if a student's post-secondary plans do not include college (for instance a student enrolled in a career-technical program) then taking the ACT or SAT goes from a benefit to just another test they're required to take.

HB 82 would require that the ACT or SAT is offered to 11th grade students, but that participation is voluntary. OEA supports this change. The House-passed version of the budget bill (HB 110) contained a similar provision where taking the test is subject to a parental opt-out. OEA is supportive of this language as well.

OEA urges favorable consideration of HB 82. If members of the committee have any questions about our position, please contact OEA Government Relations.





**Ohio School Counselor Association
House Bill 82
Proponent Testimony
May 18, 2021**

Good afternoon Chair Manning, Vice Chair Bird, Ranking Member Robinson and esteemed members of the House Primary & Secondary Committee, thank you for allowing me the opportunity to testify on behalf of the Ohio School Counselor Association (OSCA) on HB 82, which would make the ACT voluntary in Ohio. My name is WillaMarie Jackson, and I am the current President-Elect of OSCA.

School counselors are often the go-to testing administrators for schools, so we are very familiar with the toll tests like the ACT have on the students we serve. In our work, we see firsthand the way frequent and excessive test-taking creates added anxiety for students already struggling with challenging home circumstances, stress and full learning workloads. School counselors exist to ensure students succeed, and forcing a student who has already committed to a career tech or vocational pathway to spend a whole day sitting for a test whose score will not be of use to them is not in line with that goal. In fact, instead of pulling those students away from work or lab time, we should be further encouraging their pursuit of pathways that are well-suited to their skillset and interests.

In addition, requiring the ACT only further perpetuates the outdated narrative that college is the best path for all students, a narrative that school counselors are consistently working to dispel with parents. As the state and Legislature continue to work to fill in-demand jobs and address workforce gaps, continuing to require the ACT for all juniors will be in conflict with those objectives.

Finally, of particular concern to school counselors is the time it takes to administer these college admission assessments. It not only cuts into learning time, which has become a far more precious resource as we emerge from the pandemic, but also staff time, including school counselors' availability to meet with and serve students. OSCA does not want our members to be pulled into testing administration over their important work in social/emotional, academic and career development. Schools should be doing more to support already overwhelmed school counselors in their critical roles, and making one more test voluntary will help work towards that goal.

Thank you for considering my testimony today. OSCA urges the committee to support HB 82 and I would welcome any questions.

May 11, 2021

Dear Chair Manning, Vice Chair Bird, Ranking Member Robinson and Committee Members,

I am humbled and honored to have been asked to provide written testimony in support of passing Erin's Law in the state of Ohio.

I am a licensed independent social worker in the state of Ohio and have worked in the field of social work for more than 25 years. Early on in my career, I conducted child abuse investigations for Hamilton County Job and Family Services where I was trained as a Forensic Interviewer through the Cincinnati Children's Hospital Childhood Trust. Upon receiving this training, I spent many years interviewing children of all ages who made allegations of sexual abuse by a trusting adult. One of the most daunting parts of interviewing these children is that they often explained the details without even realizing they were being abused. They answered questions and provided consistent details of what a perpetrator did to their body very factually while holding crayons in their little hands and we colored together. While it was heartbreaking to listen to children provide intimate details of the sexual abuse they endured, it was extremely satisfying to sit on the witness stand and provide testimony that would lead to legal consequences for their perpetrators.

As I look back on my career during this time, I can say with confidence that I conducted more than 150 interviews and not one time was the child abused or raped by a stranger! The children that I reflect on as I write this testimony were always sexually abused by someone they knew and were taught could be trusted. As the listening ear who had the job of gathering information from these child victims to be used forensically, it takes a lot to contain your emotions while creating an environment that is a safe space for children to speak freely and not feel ashamed. Although it has been years since I practiced in this role, I remember clearly walking away from every interview thinking that this could have been prevented and this child's innocent life spared had they been educated and empowered with tools, language and safe people to confide in.

When you look at Erin's Law that has passed in many other states, it mandates that age-appropriate education take place in the school system so our children can be empowered by education and armed with tools to prevent them from becoming victims of sexual abuse. Erin's Law paves the way for our children to develop forward thinking and safety planning so they are able to identify when they are being groomed by a perpetrator and empowered to tell someone. I wonder how many children could have been spared the life-long damage and mental health problems had they been able to identify when a "friend" is really a sexual predator patiently waiting to go in for the kill. This happens too often and it is time for Ohio to take a stand and address this!

In conclusion, this is only a snippet of the stories and life-long problems that sexual abuse has on our children. I would be honored to talk with you more thoroughly to promote this much needed legislation should the opportunity arise.

Sincerely,

Amelia M. Auberge, MSW, LISW-S

Amelia M. Auberge, MSW, LISW-S

Ohio License # I.1600620

NPI #1932657012



**Proponent testimony submitted to the
Ohio Primary and Secondary Education Committee
House Bill 105
Rosa Beltré, Executive Director
Ohio Alliance to End Sexual Violence
May 18, 2021**

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and Members of the House Primary and Secondary Education Committee, thank you for the opportunity to testify in support of House Bill 105. As Ohio's statewide coalition, the Ohio Alliance to End Sexual Violence (OAESV) advocates for comprehensive responses and rape crisis services and empowers communities to prevent sexual violence.

As this committee is aware, 1 in 4 girls and 1 in 6 boys experiences sexual abuse before they turn 18, but only one-third of those children disclose. This means that each member of this committee engages with numerous people every week, perhaps every day, that are survivors of child sexual abuse – without ever knowing it.

The last government data available reports that there were over 1.8 million students enrolled in Ohio's K-12 institutions. How do we help the over 360,000 Ohio K-12 students that are victims of sexual abuse if our schools continue to maintain our culture's long-standing reporting barriers? If we do not pass Erin's Law and engage with sexual violence prevention educators from Child Advocacy Centers and Rape Crisis Centers, we cannot.

Since OAESV's inception, we have worked to eradicate sexual violence with prevention education support from the CDC and other sources. We approach our work on this issue on the basis of these facts:

- Children are never to blame for sexual abuse and are not responsible for stopping or preventing it.
- It is the responsibility of every adult to prevent and stop sexual abuse.
- The vast majority of child survivors of sexual abuse are victimized by someone they know, not by a stranger.
- Children deserve to be believed when they disclose abuse, and they should have access to services that will support their healing and protect them from future harm.
- Many adults living in Ohio were sexually abused as children. They also deserve to be believed and to have access to supportive services.

- Adults who sexually victimize a child should be held criminally accountable to the fullest extent of the law, both to secure justice for the child who has been harmed, and to protect other children and society at large.

As this committee knows, House Bill 105 (“Erin’s Law”) aligns with OAESV’s above-listed facts, as it would require age-appropriate sexual abuse education to children in grades K-6, sexual violence instruction to grades 7-12, training for teachers on sexual abuse identification and prevention, and model curricula provided by the Ohio Department of Education. We believe that Erin’s Law properly places adults in a position of responsibility while simultaneously raising children’s awareness and improving their capacity to identify and disclose sexual abuse. Many community members have disclosed as adults to OAESV, and have supported and collaborated to pass this legislation.

In the past year, child sexual abuse has risen at alarming rates. Districts, schools, and teachers must be prepared to welcome children back to classrooms after unmitigated and sometimes accelerated instances of sexual abuse. Children will need support and resources. We know from our work with survivors that many adults say they wish someone would have known – that someone would have told – that someone would have made it stop. We must be prepared, as adults, to support child survivors in every way we can. We must pass Erin’s Law.

Thank you again for the opportunity to testify today. OAESV strongly encourages passage of House Bill 105. I am available to answer your questions today or by email at rbeltre@oaesv.org.

House Bill 105
House Primary and Secondary Education Committee
Interested Party Testimony
May 18th, 2021

Chairman Manning, Vice Chair Bird, Ranking Member Robinson and members of the House Primary and Secondary Education Committee, thank you for allowing me to speak to House Bill 105, regarding sexual violence education in Ohio's schools.

I am Barry Sheets, and I come before you today representing the Center for Christian Virtue, the Institute for Principled Policy, and the Ohio Adolescent Health Association. Our organizations applaud the concern for the well-being of children which the sponsors of this measure seek to express in this bill. We believe that although well intentioned, as with its predecessor in the 133rd Assembly, this edition of the bill is still lacking key elements to ensure that children and parents are best served by this legislation.

In dealing with matters of a highly sensitive nature such as this, great care should be taken by our schools in working with parents to thoughtfully provide developmentally appropriate instruction. That rises to our first concern. In the bill, it refers to the materials and instruction in this area, both in the K-6 and 7-12 grades as being "age appropriate". However, the bill has no definition of what this means, or how to measure if said materials meet this objective. As we understand that children develop differently, especially in their abilities to grasp, process and utilize information, we believe it is best to include an amendment to require that these materials and instruction be "developmentally appropriate" and that districts would be encouraged to take steps to ensure this.

Additionally, as parents are best suited to understand and determine the appropriateness of materials and instruction for their own individual children, we would also encourage an amendment to provide for an "opt-out" for parents who do not wish to have their children exposed to such materials in the classroom. This is consistent with how previous Assemblies have handled sexually-related topics such as venereal disease education. As it stands, HB 105 does not provide this, thus mandating this instruction for all children regardless of parental wishes. Arguments have been made that allow such a parental opt-out is somehow tantamount to encouraging or ignoring inter-family abuse, which is a concern, but taking away the right of law-abiding, non-abusive parents to determine what is best for their children is not the answer to that dilemma.

We understand that there is a provision for parents to request to review the materials and be allowed to look them over. However, that is the extent of what a parent can do under the bill. This is far from adequate, as many parents may find certain materials not appropriate, or perhaps offensive, but will have no means by which to express this to the school district or seek satisfaction that their child does not have to be exposed to the materials. There is sadly no provision regarding the instruction that will be given in the classroom, as this bill does not provide a mechanism for parents to be able to hear how materials are being presented.

Nor is there any clarity on what the "reasonable period of time" might be that a school must respond and allow the parent to review the materials. Without better parameters, some schools may decide it is a "reasonable period of time" to respond to a parent request for review after the unit has already been delivered to the child. This too needs to be clarified with language setting up a clear timeline.

Sadly, there may be circumstances where a child in the classroom has been, or currently is, a victim of sexual violence. These victims of such horrible crimes need to be treated carefully, both in insuring that further trauma is not inflicted on the child inadvertently through the classroom presentation, and as potential witnesses in the prosecution of their assailants.

The very last thing I am sure the sponsors of the bill would want is to have a criminal defense counsel be able to invalidate the testimony of a child victim of sexual violence because of successfully arguing that the witness had been "coached" to bring the accusation of their client. Steps should be taken to ensure that the facilitators of this material would understand how to appropriately engage with such situations, so that we may effectively enforce the law against a perpetrator.

This may be best accomplished by requiring in the bill that the in-service instruction surrounding this topic be under the auspices of, reviewed by, or in some instances directly provided by members of law enforcement or prosecutors with experience in dealing with these types of crimes. In some cases, which is a sadly growing occurrence, the perpetrator is the child's teacher or other official personnel of the school. There might potentially be great benefit to having law enforcement officials directly involved at the school for this type of training.

Our organizations thank you for hearing our concerns regarding HB 105. We would hope that this committee might consider taking pause to reflect on these omissions in the legislation and work toward making this bill a better one for both our children and our parents before considering reporting it out of the committee. Thank you, and I would be happy to take any questions.

Ohio House of Representatives



Representative Joe Miller, Ohio House District 56

House Primary & Secondary Education Committee- HB 112 Testimony

May 18, 2021

Good morning Chair Manning, Vice Chair Bird, Ranking Member Robinson and members of the committee for the opportunity to speak in support of House Bill 112, which will require a full performance audit of schools with Academic Distress Commissions such as Lorain City Schools that sits in my district.

Sadly, it has come to our attention through discussions with teachers, parents, board members and some ADC members that accusations have been made and some evidence obtained that the operational, managerial and fiscal decision making powers assumed under HB70 has led the former appointed CEO to make unscrupulous or unethical decisions at best or worse down right corrupt and destructive decisions that have adversely affected the students and teachers in the district.

This model of a CEO with absolute power absent true oversight by an Academic Distress Commission has led to what many believe to be a corrupt CEO who misappropriated tax dollars and mistreated students and staff while creating for his friends overpaid administrative positions and showering them with non-education related perks. Here is a list of grievances brought to my attention in the school district under state takeover in my district.

A snapshot of a staff survey provided these results:

- The district has provided enhanced curriculum including textbooks, teaching materials, software, and technology to support quality instruction
 - → 74% strongly disagree or disagree, 14% neutral
- Professional development opportunities have developed my instructional competence by producing data driven results of improved student learning outcomes
 - → 79% strongly disagree or disagree, 13% neutral
- The culture and climate throughout the district is positive, and I feel valued and respected as a teaching professional
 - 88% strongly disagree or disagree, 8% neutral

- High school staff required to reapply for positions despite having been repeatedly denied basic essentials (ex: safety plans/drills, updated textbooks, teaching materials, attendance policy, etc.)
- Created a slush fund of student money, \$5 for lost student badge with no record of deposits.
- Title I and tutor services removed from classroom instruction to support administrative salaries
- New purchased service vendor programs: Kickboard, Whetstone, ANET, Unbound, Engage New York are ineffective; with poor implementation and a lack of training → vendors are charter school affiliates of the former CEO.
- \$43 million of general fund and Title I funds being appropriated in an unknown 598 account.
- Public Records Request policy violations with the response timeframe and handling public records requests. Members of the Lorain City public have conveyed their public records requests were being ignored going back to April and May 2019.
- Misappropriation of Public Funds involving the relocation reimbursements paid to Chief Schools Officer, in the total amount of \$15,959.89 (Check # 175113) the referenced Purchase Orders are #0402789 and #0402700. Documents in questions for reimbursement are:
 - Cashier checks to “2100 Center Rd Avon LLC” (2 @ \$2100.00 each, totaling \$4200.00) Check# 210154220 on 12/10/17 Check# 210154219 on 12/18/17
No back up documentation was provided regarding this expenditure reimbursement
 - United Van Lines, LLC Invoice # (\$3708.19) does not include itemized receipts or itemized description list as compared to other moving companies back-up documents
 - Airbnb, Inc. (\$3976.16) 44 nights in a luxury condo in Washington DC, January 17-March 2, 2018

But how will we know if these claims of abuses of taxpayer dollars and disenfranchisement of a community's right of district oversight have been an effective model of school improvement? Has handing over the entire responsibility and power over the managerial, operational and financial wellbeing of a school district provided a better educational experience for the students? There appears to be a pattern of behavior by CEO's under the state takeover model in both Lorain and Youngstown.

I strongly encourage my fellow committee members to support this legislation, as we owe it to our teachers, parents, and taxpayers across the state to get to the bottom of this issue and once and for all determine if the state takeover plan that put in place Academic Distress Commissions has been an abject failure and should be repealed. A performance audit by the Ohio Auditor will bring us closer to this answer. Thank you for your consideration and I'm happy to answer any questions after testimony from my joint sponsor.



**Representative Michele Lepore-Hagan
58th House District**

**House Bill 112 Sponsor Testimony
Primary and Secondary Education Committee
Tuesday, May 18, 2021**

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and members of the Ohio House Primary and Secondary Education Committee we are grateful for the opportunity to provide sponsor testimony for House Bill 112.

We are introducing HB 112 (a reintroduction of HB 529 from the 133rd General Assembly) because the un-elected, unaccountable Academic Distress Commissions and appointed CEOs in Youngstown, Lorain and East Cleveland exercise unilateral control over tens of millions of taxpayer dollars. The performance audits mandated by the bill will enable parents, teachers, residents, elected officials and the public at large to evaluate whether those dollars are being used effectively. Most importantly, we will be able to determine if our teachers and kids are receiving the resources and support they need to achieve and succeed. The time to impose transparency and scrutiny on this failed system has arrived.

The CEO/ADC model and its failures transcend the school districts in Ohio who have been forced to make adjustments in this system void of transparency. For example, before 2017 the Youngstown City School District (YCSD) had a \$23 million surplus in its unreserved cash balance. A budget forecast done in May, 2020, prior to cuts being made, showed the district was facing a \$29 million deficit. This year's budget is \$2.4 million in the black, even after a \$1 million state funding cut. There is a fiscal concern of \$11 million irregularity.

This is merely a snapshot of the fiscal woes experienced by the YCSD. There has also been \$13 million less in classroom spending (46 of 46 in classroom spending in comparison to other districts) and either the removal or reduction of the following successful academic support programs and resources:

- Social Workers (eliminated)
- LLI tutoring (eliminated)

- Music (dramatically reduced)
- Band (dramatically reduced)
- Foreign language (dramatically reduced)
- AmeriCorps (eliminated)
- STEM (eliminated)
- 3-D printing (eliminated)
- Visual Arts (eliminated)
- Performing Arts (eliminated)
- Afternoon school programs for 5th through 8th grades (eliminated)

While vital programs that are essential to the student experience have taken a hit, YCSD has seen increases in spending. For example:

- Estimated \$4 million for legal services
- \$100,000 and more in salaries for each of 35 executive positions hired

Tough decisions in a struggling district would be understandable so long as they achieved the academic outcomes and experiences these children and staff desperately need. Unfortunately, that hasn't been the case in YCSD. In almost every category of academic performance, the district has scored lower than in years prior to the CEO/ADC model and state take over. Additionally:

- Average years in staff teaching experience dropped from 10 to 6 years
- K-12th grade enrollment has dropped

A board of education is beholden to voters when accounting for the spending of the district they are elected to. HB 70 removed any electoral accountability or public transparency in the spending of tax dollars. Notwithstanding the return to local control of these districts, a state audit would at the very least allow residents and tax payers to better understand the correlation between spending and achieving academic outcomes in these districts. The passage of HB 112 is essential to restoring the public's trust in the institution that is responsible for our most important social investment: children's education.

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and members of the Ohio House Primary and Secondary Education Committee, we thank you again for this opportunity to testify on HB 112 and would be happy to answer any of your questions.

From: Fowler Arthur, Sarah

Sent: Tuesday, May 18, 2021 1:32 PM

To: Cupp, Bob; Hinman, Will

CC: Blessing, Heather; Disantis, Paul; Boehner, Sheila; Rep76; Rep88; Rep50; Rep05; Rep95; Headlee, Adam; Rep97; Strope, Lauren

Subject: CRT Documents

Attachments: Final-Strategic-Plan-Board-Approved.pdf; StratPlan_Infographic_web.jpg; Item 20 - Laura Kohler Equity Resolution.pdf; Strat-Plan-Exec-Summary-and-Infographic.pdf; ECOF-Five-Shifts-StrategicPlan.pdf; Federal Register __ Proposed Priorities-American History and Civics Education.pdf; Biden Administration Cites 1619 Project as Inspiration in History Grant Proposal.pdf; Biden administration offers grants to teach children '1619 Project,' inherent racism central to U.S. - Washington Times.pdf; Title VIII General Provisions.pdf

Mr. Speaker and Colleagues,

Please find attached documents related to the teaching of Critical Race Theory in Ohio and as proposed by the new federal administration.

If I forgot anything please let me know and I will try to get it to you.

Sincerely,

Sarah Fowler Arthur

1. Ohio Strategic Plan for Education and several infographics and summaries
2. July 2020, State Board of Education Resolution #20, which was approved over the protests of elected republican members at nearly 11pm the last night of the meeting
3. The Biden Administration proposal for an American History & Civics Education grant:

<https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>

<https://www.washingtontimes.com/news/2021/apr/21/biden-administration-offers-grants-teach-children/>

4. A concise (5 minutes) summary of Critical Race Theory from Dr. Voddie Baucham (Dean of Theological Education, African Christian University): <https://www.youtube.com/watch?v=zPpVTEZ7z3A>
5. A slightly longer (15 minutes) and more detailed explanation about 1619 project and CRT: <https://www.youtube.com/watch?v=xuSMvIVtd0A>
6. Other states taking action on CRT and examples:

Idaho HB 377 enacted 4.29.21 (copy attached)

<https://legislature.idaho.gov/sessioninfo/2021/legislation/h0377/>

Oklahoma HB 1775 passed and sent to Gov. on 5.4.21 (copy attached)

<https://legiscan.com/OK/bill/HB1775/2021>

This article gives a summary of action in Texas with embedded links to SB2202 and HB3979 which are in process.

<https://www.texastribune.org/2021/05/05/texas-critical-race-theory-schools-legislature/>

Arizona SB 1532 article with embedded link - bill in process (copy attached)

<https://thepostmillennial.com/arizona-state-house-passes-a-bill-banning-critical-race-theory-in-public-schools>

Arkansas SB 627 (copy attached)

Enrolled and delivered to Gov. to sign 4.27.21.

Gov. allowed the bill to become law without his signature.

<https://legiscan.com/AR/bill/SB627/2021>

Here is a copy of the TN Senate bill in process.
<https://www.capitol.tn.gov/Bills/112/Amend/HA0441.pdf>

7. Somewhere I believe I have a copy of the final report on Racism as a Public Health Crisis from last fall, however, I was unable to find any public links at this time.
Ohio Commission on Minority Health Resources Page: <https://www.mih.ohio.gov/Resources/Addressing-Racism-Resources>
(includes implicit bias training link: <http://kirwaninstitute.osu.edu/implicit-bias-training/>)
8. Federal law may include prohibitions on directing or incentivizing curriculum (see attached document on Title VIII, this is an excerpt from page 31):

SEC. 8526A.

[
20 U.S.C. 7906a

]
PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

(a)

I

N

GENERAL

.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

(b)

FINANCIAL SUPPORT

.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 8401 upon a State, local educational agency, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).

9. <https://www.cincinnati.com/story/news/2021/05/08/new-osba-president-former-resigned-after-comments-systemic-racism/5007200001/>

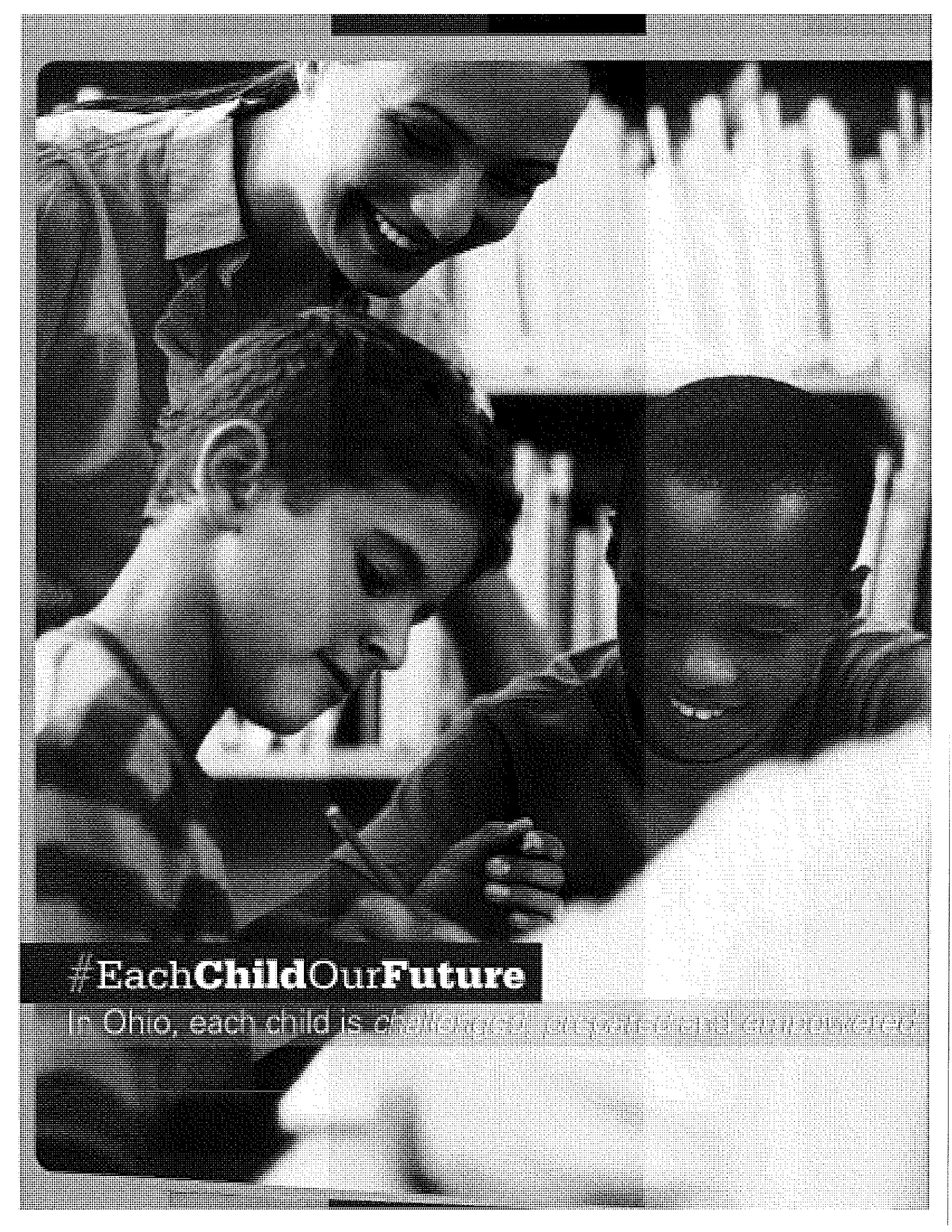
Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405



Each Child Our Future

Ohio Strategic Plan For Education: 2019-2024





#EachChildOurFuture

In Ohio, each child is challenged, encouraged and supported.

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Introduction

Each Child, Our Future is Ohio's shared plan for ensuring each student is challenged, prepared and empowered for his or her future by way of an excellent prekindergarten through grade 12 (preK-12) education. The plan's purpose: to lift aspirations, create hope and excitement, guide development of state-level education policies and promote high-quality educational practices across the state.

This plan was built by Ohioans for Ohioans. Launched by Ohio's superintendent of public instruction and the State Board of Education in the summer of 2017, more than 150 Ohio-based partners¹ rolled up their sleeves to develop the plan. Moreover, approximately 1,200 Ohio citizens—including parents, caregivers, preK-12 educators, higher education representatives, employers, business leaders, community members, state legislators and, of course, students themselves—attended 13 regional meetings across the state to review the plan and provide feedback. In total, more than 1,350 Ohioans had a hand in crafting the plan.

Each Child, Our Future. Why Now?

Now, more than ever, Ohio's 1.7 million schoolchildren stand to benefit from a strategic plan carefully considered by a diverse group of partners who came to the table ready to identify the most impactful solutions for student success. The following Ohio-specific trends make a compelling case for why this plan is needed now.

- **JOBS ARE RAPIDLY CHANGING AND REQUIRE DIFFERENT SKILL SETS.** Dramatic changes are impacting both the national and state economies. With the rise of automation and **artificial intelligence**, a recent study predicts that nearly half of the state's workers hold jobs that are expected to be automated in the future. Future workers are expected to change jobs more frequently, interact with technology more regularly, and learn new and more sophisticated skills to advance careers or keep up with change. Future conditions will favor entrepreneurship and innovation as more commercial activity is customized. For many preK-12 students, securing future jobs will require some type of technical training or education after high school.² Each child in Ohio must be prepared for whatever the future might hold.
- **MORE DIVERSE STUDENT BODY WITH NUANCED LEARNING NEEDS.** Many students face learning inequities, often because of limited access to important education opportunities, such as early learning, effective educators, **safe learning environments**, strong mentors and career exploration. These, and other resource limitations, can contribute to the state's **achievement gap** or the persistent disparity in measures of performance among student groups. The state's education system is not effectively meeting the needs of specific groups of students, such as African American, Hispanic, **English learners (EL)**, **economically disadvantaged** and **students with disabilities**. Ohio's achievement gap has been evident since the state began **disaggregating student data** more than 15 years ago. At the same time, Ohio's students are becoming more racially and ethnically diverse. For instance, over a 10-year period, the state's Hispanic student population doubled. Over that same period, the state's EL population increased by 85 percent. The learning needs of this population can vary significantly due to differences in a child's exposure to English and the child's individual mastery of his or her first language.
- **INCREASED STUDENT EXPOSURE TO POVERTY AND SOCIAL STRESSORS.** More Ohio students are impacted by poverty and other **adverse childhood experiences (ACE)**.³ Today, approximately 51 percent of Ohio's total student population is considered economically disadvantaged, an increase of 37 percent in 10 years. The percentage of students considered **homeless** has more than doubled, while the percentage of students in foster care has increased by more than 50 percent. These increases over the last decade likely reflect a variety of issues in the household, and opioid abuse is front and center. Ohio leads the nation in heroin and synthetic drug overdoses, and the crisis is straining children's services and education delivery systems.⁴ Issues at home significantly impact a child in the classroom.

¹For a list of specific partners who served on the Workgroups, refer to page 31 in the Appendix.

²Nearly half of Ohio workers hold jobs likely to be automated in the future; Columbus Dispatch, Feb. 6, 2018; Accessed on June 1, 2018; <http://www.dispatch.com/news/20180206/nearly-half-of-ohio-workers-hold-jobs-likely-to-be-automated-in-future>

³Adverse Childhood Experiences; Substance Abuse and Mental Health Services Administration, Last accessed June 1, 2018, from <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>

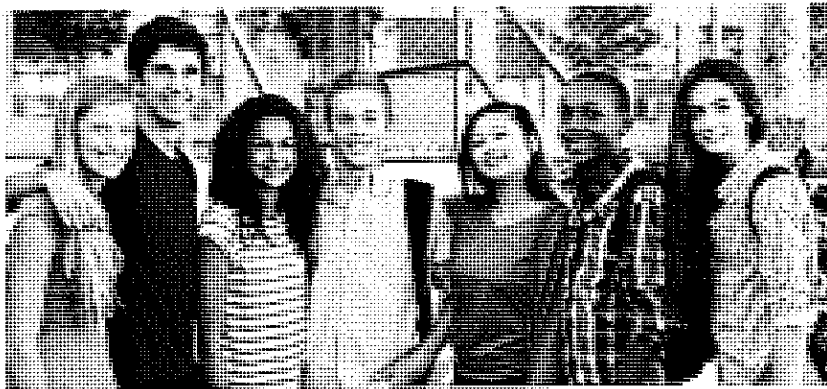
⁴Public Children Services Association of Ohio: PCSAO Factbook, 13th Edition 2017; <http://www.pcsao.org/pdf/factbook/2017/PCSAOFactbook.pdf>

Ohio's Education Landscape

Our Students

Race and Ethnicity	Enrollment	Percent
Total Enrollment	1,667,307	100%
American Indian or Alaskan Native	2,034	0.1%
Asian or Pacific Islander	41,567	2.5%
Black, Non-Hispanic	279,293	16.8%
Hispanic	96,589	5.8%
White, Non-Hispanic	1,161,789	69.7%
Multiracial	86,027	5.2%

Diverse Learners	Enrollment	Percent
Students with Disabilities	252,736	15.2%
English Learners	52,394	3.1%
Economically Disadvantaged	839,029	50.3%
Homeless	23,426	1.4%
Children of Migrant Workers	596	<0.1%
Identified as Gifted	246,952	14.8%



Change in Size of Selected Student Groups 2008-2018



Homeless
+13,471 Students



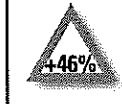
Hispanic
+51,340 Students



Asian or Pacific Islander
+15,806 Students



English Learners
+17,511 Students



Multiracial
+26,994 Students



Economically Disadvantaged*
+179,443 Students



Black, Non-Hispanic
-8,669 Students



White, Non-Hispanic
-169,249 Students

*The sharp rise in students reported as Economically Disadvantaged is largely due to policies related to the Community Eligibility Provision.

Our Districts and Schools

District Settings	Districts	Percent	Enrollment	Percent
Traditional School Districts	612	100%	1,559,026	100%
Ohio 8 Districts	8	1.3%	194,984	12.5%
Other Urban Districts	47	7.7%	203,396	13.0%
Suburban Districts	123	20.1%	556,706	35.7%
Town Districts	200	32.7%	354,807	22.8%
Rural Districts	229	37.4%	248,949	16.0%
Other Districts	5	0.8%	185	<0.1%



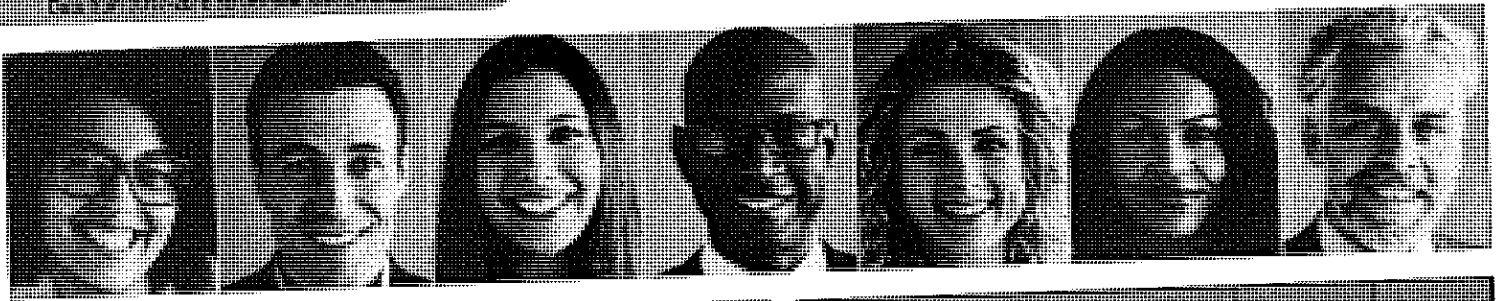
Our Districts and Schools

Data from 2017-2018 school year unless noted.

Types of Schools	Schools	Percent
All Public Schools (as of 4/16/19)	3,609	100%
Traditional Public Schools	3,203	88.8%
Community Schools	319	8.8%
Career-Technical High Schools	72	2.0%
State Supported Schools (Special Needs)	8	0.2%
STEM Schools	7	0.2%

School Options	Enrollment
Community Schools	104,856
Inter-District Open Enrollment	104,257
Public Vouchers for Private School	52,212
• EdChoice Scholarship	23,939
• EdChoice Expansion	10,000
• Cleveland Scholarship	8,362
• Jon Peterson Special Needs	6,063
• Autism Scholarship	3,848
Home School	30,923
Chartered Private Schools (711)	168,072

Our Educators



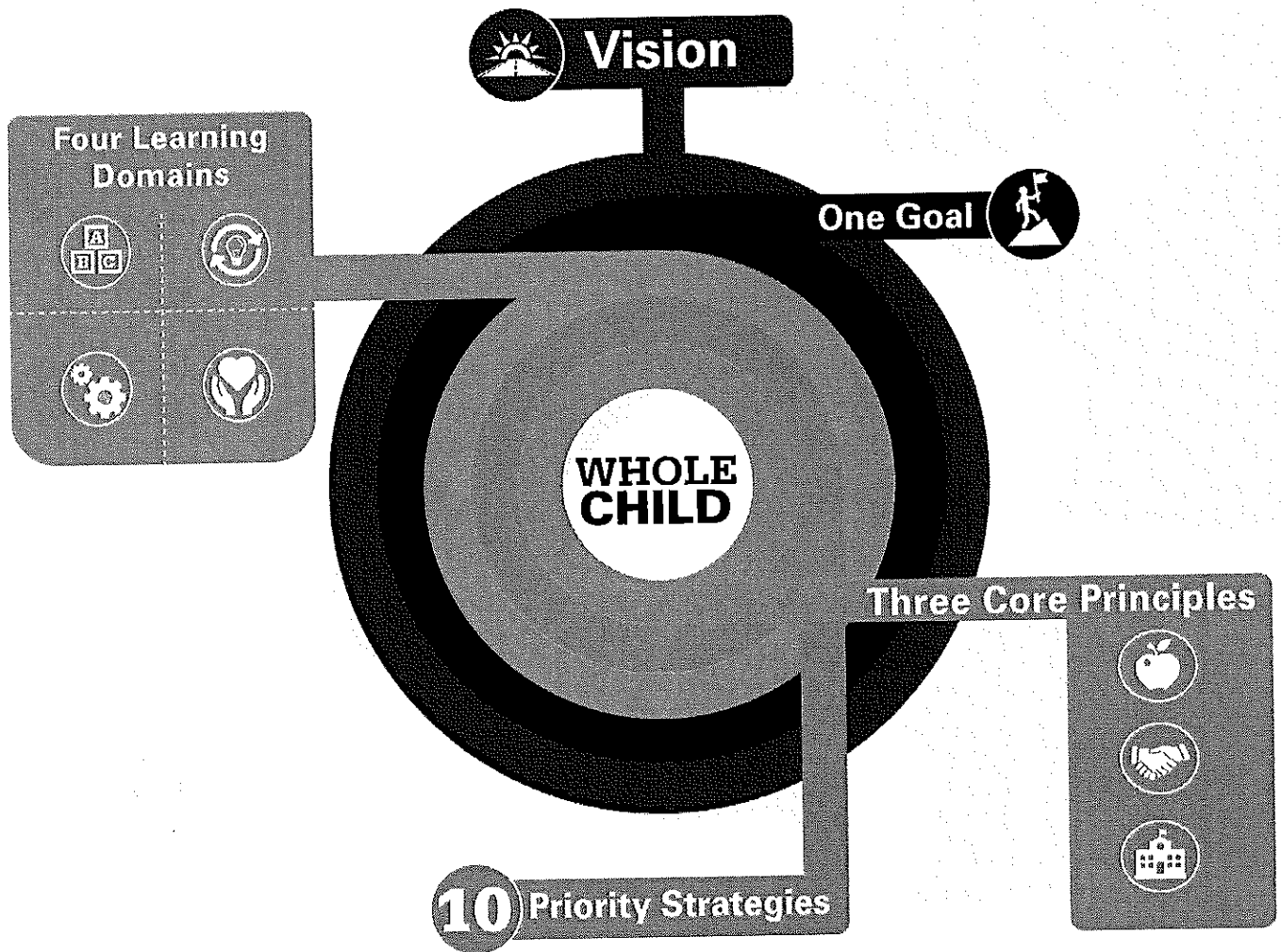
Personnel in Public Schools	Educators (FTE)	Percent
All Educators	134,107	100%
School Administrators	5,975	4.5%
Teachers	108,615	81%
Student Support Services	19,516	14.6%

New Initial Licenses Issued	Licenses	Percent
All Educators	18,461	100%
School Administrators	1,081	5.9%
Student Support Services	10,045	54.4%
Teachers	7,335	39.7%
Teacher Licensure Area	7,335	100%
Early Childhood (P-3)	2,227	30.4%
Early Childhood Intervention Specialist (P-3)	326	4.4%
Designated Subject (K-12)	232	3.2%
Intervention Specialist (K-12)	1,364	18.6%
Middle Childhood (4-9)	783	10.7%
Multi-Age (P-12)	817	11.1%
Adolescence to Young Adult (7-12)	1,304	17.8%
Career Technical (4-12)	112	1.5%
Career Technical Workforce Development	170	2.3%
Educators in Early-Career Mentoring	Educators	
Resident Educator Program Participants	19,050	

Teacher Race and Ethnicity	Educators	Percent
All Teachers	108,615	100%
American Indian or Alaskan Native	54	<0.1%
Asian or Pacific Islander	514	0.5%
Black, Non-Hispanic	4,301	4.0%
Hispanic	740	0.7%
White, Non-Hispanic	100,399	92.4%
Multiracial	210	0.2%
Not Specified	2,398	2.2%

Plan Components

With 134,000 full-time educators serving in 3,600 public schools and educating approximately 1.7 million schoolchildren, education in Ohio is a complex business. Partners identified the plan's multifaceted components based on potential impact on student success. The **whole child** is at the center of the plan.⁵ **Three core principles, four learning domains and 10 priority strategies** work together to support the whole child. The state-level **vision** provides an aspirational guide for students, parents, partners and the education system. **One goal** represents the state's annual target.

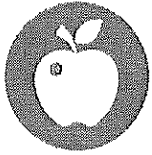


Supporting the Whole Child

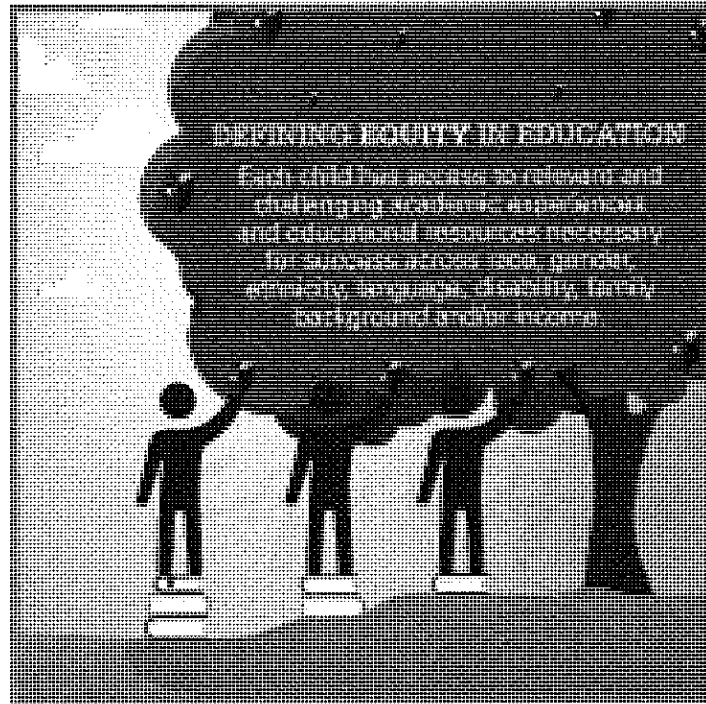
Ohio can only reach success by meeting the needs of the **whole child**. The time a child spends in school is precious and should ensure all aspects of a child's well-being are addressed, including the physical, social, emotional and intellectual aspects. Each plan component works harmoniously to support the whole-child approach; however, the three core principles are, perhaps, most critical. That is why they are highlighted across each plan component. Their constant reference ensures those who have a hand in preparing Ohio's children never lose sight of **equity, partnerships and quality schools**.

⁵Whole child is defined by actions taken to ensure that each child, in each school, in each community, is healthy, safe, engaged, supported and challenged. This definition is adapted from the Association for Supervision and Curriculum Development.

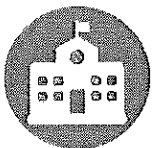
Three Core Principles



EQUITY: Ohio's greatest education challenge remains equity in education achievement for each child. The path to equity begins with a deep understanding of the history of discrimination and bias and how it has come to impact current society. This plan renews Ohio's commitment to creating the learning conditions that ensure each child acquires the knowledge and skills across all four equal learning domains⁶ to be successful.



PARTNERSHIPS: Everyone, not just those in schools, shares the responsibility of preparing children for successful futures. The most important partners are parents and caregivers, who have the greatest impact on a child's development. Other critical partners include educators, institutions of higher education, business, philanthropy, employers, libraries, social service organizations, community members, health care providers, behavioral health experts and many more. Put simply, partnerships transform the education experience.



QUALITY SCHOOLS: Schools are an important destination where many individuals and factors come together to serve the student, including school leaders, teachers, curriculum, instruction, **student supports**, data analysis and more. Research shows that school leaders have the greatest hand in defining a school's culture and climate, which significantly affect student learning.⁷ A quality school is a place where parents, caregivers, community partners and others interact for the benefit of students. All schools—public and private—play important roles in building Ohio's future.

⁶ Refer to page 12 for a detailed description of the four equal learning domains.

⁷ Macneil, A. J., Prater, D. L., & Busch, S. (2009). The effects of school culture and climate on student achievement. *International Journal of Leadership in Education*, 12(1), 73-84. doi:10.1080/13603120701578241

Vision

Ohio's aspirational state-level vision for preK-12 education:

In Ohio, each child is *challenged* to discover and learn, *prepared* to pursue a fulfilling post-high school path and *empowered* to become a resilient, *lifelong learner* who contributes to society.



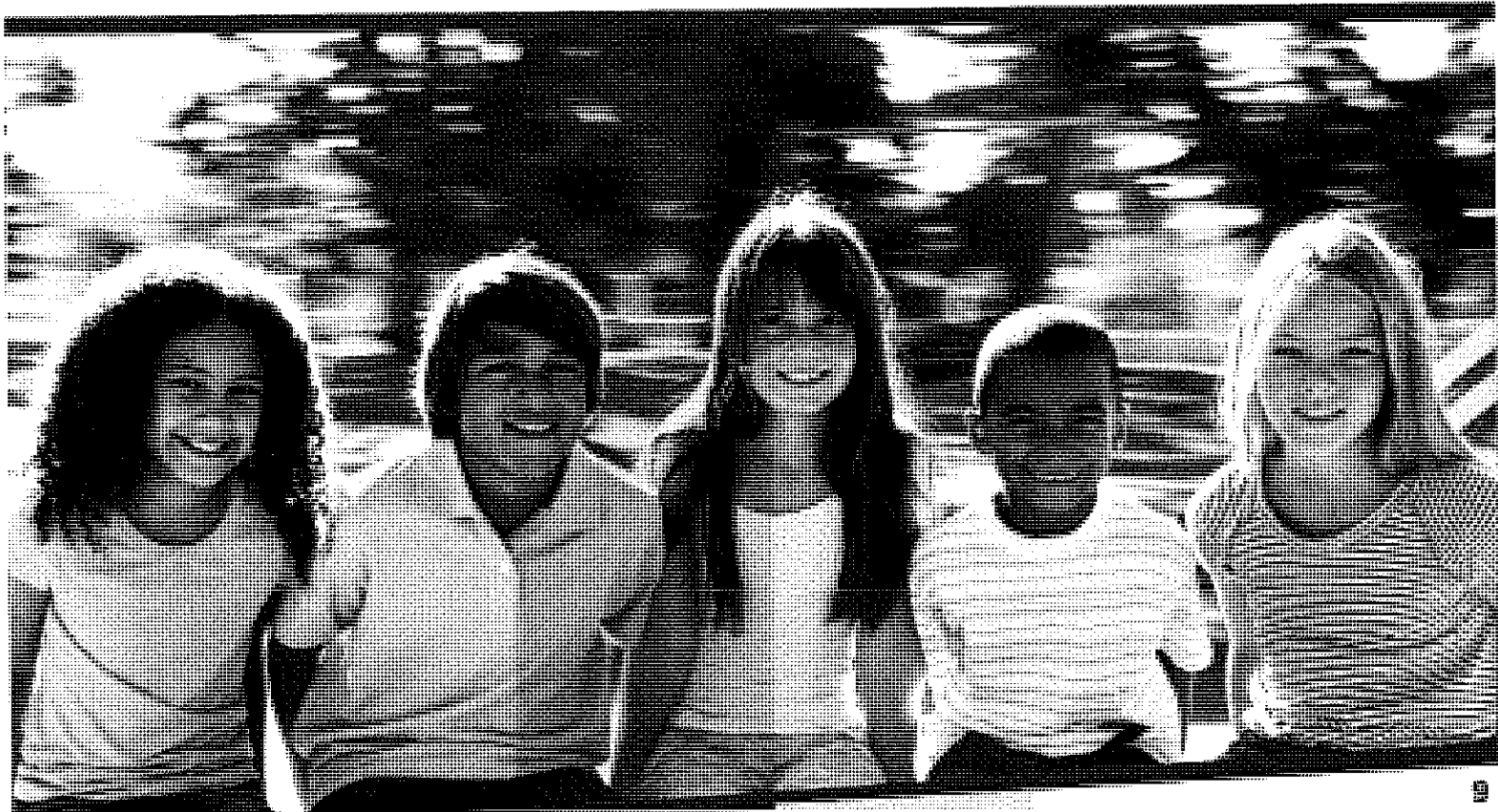
EQUITY: Use of the phrase *each child* is intentional. It emphasizes the importance of equity, which is this plan's greatest imperative and number one principle.



PARTNERSHIPS: *Challenging, preparing and empowering* students is a community-wide effort. Partners represent the collective action needed to support each child and increase the likelihood of student success.



QUALITY SCHOOLS: This state-level vision is realized locally in each school. Many schools and districts have completed local strategic plans that seek a similar aim. This state-level vision ensures everyone is moving in the same direction and can help amplify the good work already underway across many districts.



One Goal

The vision sets a direction for the state's education system and its partners. The aligned goal reflects student success one year after completing a high-quality and supportive preK-12 education experience:

Ohio will increase annually the percentage of its high school graduates who, one year after graduation, are:

- Enrolled and succeeding in a post-high school learning experience, including an adult **career-technical education** program, an apprenticeship and/or a two-year or four-year college program;
- Serving in a military branch;
- Earning a **living wage**; or
- Engaged in a meaningful, self-sustaining vocation.



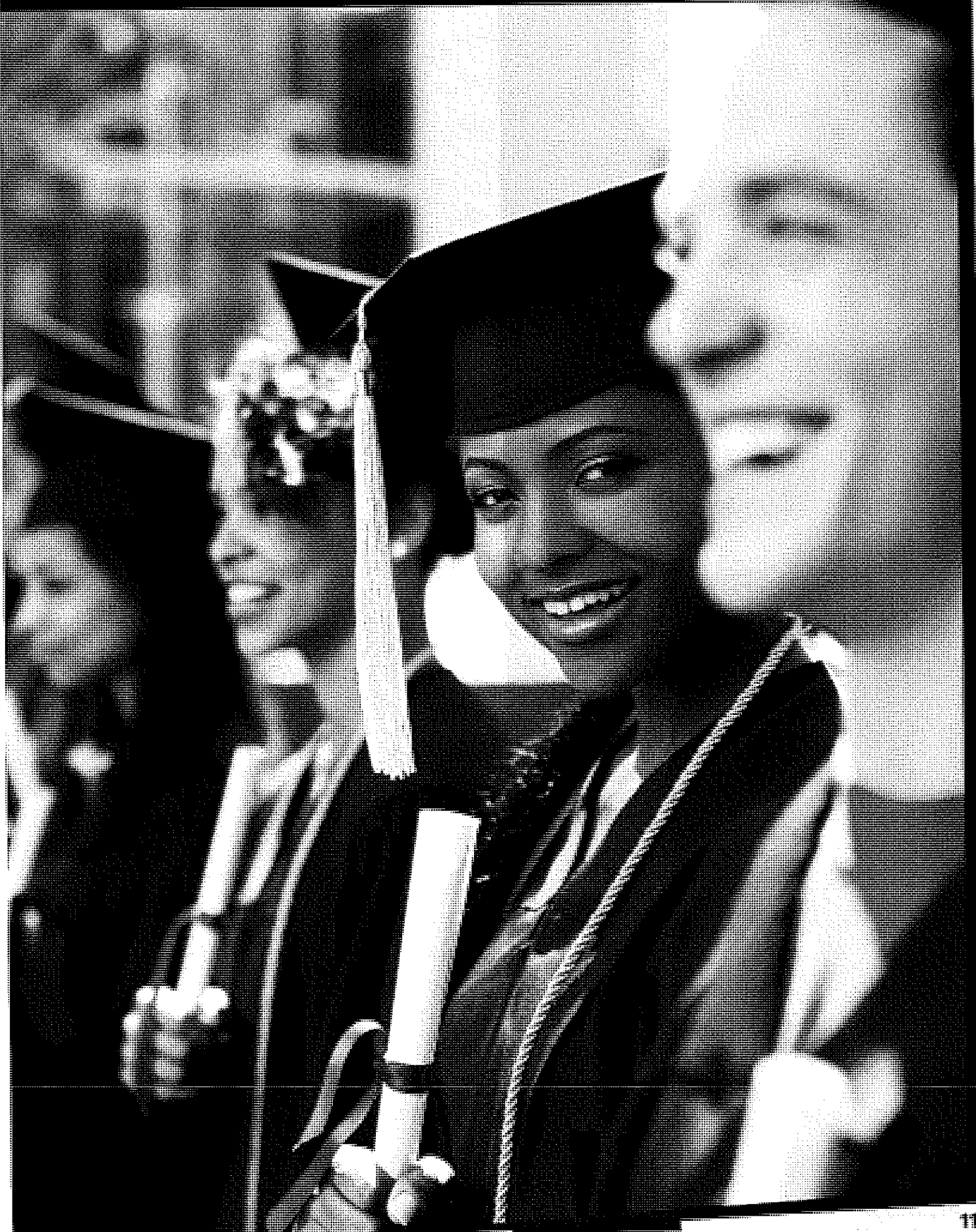
EQUITY: There are many paths to success, and each child is capable of succeeding on one or more pathways. Appropriate supports must be made available so personal and social circumstances do not prohibit a child from reaching his or her greatest aspiration. The education system and its partners can help each student find the right path to success.



PARTNERSHIPS: Partners share the responsibility of helping students explore and imagine their futures. Given the growing social challenges that many Ohioans face—particularly the opioid crisis and other social stressors—innovative partnerships and targeted supports, both in and out of school, are essential to creating hope for students and their families.



QUALITY SCHOOLS: The entire school must commit to educating and supporting students so they acquire the knowledge and skills needed for future success. Those working inside and outside of the school should have a shared definition of future success. A shared understanding will help each child reach his or her goal.

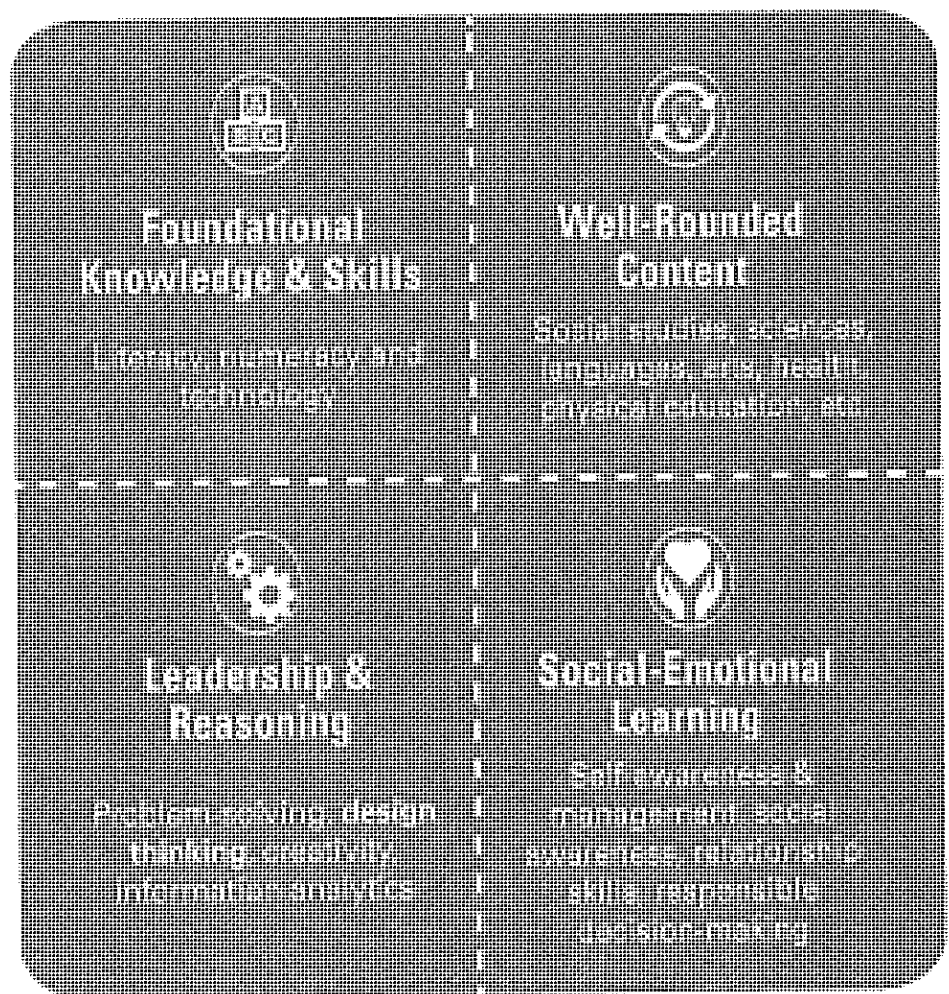


Four Equal Learning Domains

Achieving Ohio's goal depends on a high-functioning, responsive preK-12 system that is attuned to external factors that affect student learning—including family and social trends and economic and job realities. As a first step in a long-term journey to create a responsive preK-12 system, Ohio partners identified four equal learning domains that contribute to the holistic success of each child. These include **foundational knowledge and skills**, **well-rounded content**, **leadership and reasoning skills** and **social-emotional learning**. The four equal learning domains challenge, prepare and empower students for success beyond high school by giving them tools to become resilient, lifelong learners.

FOUNDATIONAL KNOWLEDGE AND SKILLS—To be successful in Ohio's ever-changing economy, students must be equipped with foundational knowledge and skills that support lifelong learning. Each child must know how to critically read, write, work with numbers and leverage technology to maximize access to future learning experiences.

WELL-ROUNDED CONTENT—Beyond foundational knowledge and skills, students need exposure to a broader range of subjects and disciplines. These include social studies, science, world languages, arts, health, physical education and career-technical education fields, among others. The exploration of these disciplines helps students identify their passions and aspirations, as well as enables them to discover connections and relationships among ideas and concepts.



LEADERSHIP AND REASONING SKILLS—Future success will not depend just on academic content knowledge. It will require students to exhibit leadership skills. Among other things, leadership includes learning from mistakes and improving for the future, listening to others and working to achieve a common goal and giving and receiving feedback. Reasoning skills are important too. Reasoning means that students know how to draw on multiple disciplines to synthesize information, develop creative solutions and generate new ideas. Specific reasoning skills include critical thinking, problem-solving, design and computational thinking, information evaluation and data analytics. Life skills come hand in hand with reasoning. These skills will serve students well in any postsecondary path.

SOCIAL-EMOTIONAL LEARNING—Life is a shared journey. Research shows that being a part of a community improves life satisfaction and health.⁸ Living as part of a community involves understanding the importance of social interaction and personal feelings. Social-emotional learning includes competencies like self-awareness, self-management, social awareness, collaboration, empathy, relationship skills and responsible decision-making. The elements of social-emotional learning give children the tools to become resilient and persistent in life.



EQUITY: The four equal learning domains support each child in mastering knowledge and skills essential for future success. The learning domain approach recognizes that each child starts from a different place and targeted supports and **personalized learning** accelerate success.



PARTNERSHIPS: The four equal learning domains are enriched when educators and school staff work with community and business partners to expose students to real-world experiences. Deliberately focusing on the four equal learning domains promotes a greater understanding among partners and results in greater impact.



QUALITY SCHOOLS: Reaching each child will require educators to commit to **continuous improvement** and collaborate to holistically identify each child's needs. A school's entire capacity—including its climate and culture and instructional and student supports—must exercise flexibility and adaptability to have the greatest impact.

⁸ Cornwall and Waite, 2009, <https://doi.org/10.1177/002214650905000103>



10 Priority Strategies

With an eye toward creating a responsive system that supports students, partners identified a set of strategies that collectively support and operationalize the vision, goal and four equal learning domains. The strategies are organized by the five workgroups that represent key elements of an education experience: Excellent Educators⁹ and Instructional Practices; Standards, Assessments and Accountability; Student Supports and School Climate and Culture; Early Learning and Literacy; and High School Success and Postsecondary Connections. The plan applies the three core principles to each of the five key elements.

Excellent Educators and Instructional Practices

*Competent, caring teachers are the single greatest contributor to a child's success in school. Principals are a close second.¹⁰ Effective principals know how to inspire teachers, serve as instructional leaders and transform a school's culture. Excellent educators use high-quality, **culturally-responsive instructional practices** to enhance each child's learning experience.*

A responsive preK-12 education system has a **highly effective teacher** in every classroom and a highly effective leader at the helm of every school. The following three strategies are aimed at producing highly effective teachers and leaders who are supported by the best instructional supports.

STRATEGY 1

Increase the supply of highly effective teachers and leaders and provide supports to ensure they are effective or highly effective.

A steady stream of highly effective new teachers is necessary to educate Ohio's increasingly diverse body of students who have nuanced learning needs. Although Ohio has many teacher preparation programs, national indicators signal that the supply of teachers might be decreasing. In the face of this looming shortage, today's classrooms present increasingly complex challenges for current and new teachers. More children enter Ohio's classrooms with exposure to trauma. Changing state demographics mean that children and families bring greater cultural diversity into the classroom. As a result, more children need personalized learning and differentiated instruction that is **culturally relevant**. Ultimately, teachers need school leaders who understand how to create and sustain an environment where all students—and all caring, committed adults—grow and learn.

To ensure a steady talent pool of highly effective teachers and leaders, efforts will be needed at the state level to address the educator career continuum. Illustrated below, the continuum begins when a prospective teacher candidate enters an educator preparation program. It ends when an educator retires or exits the system.



⁹ In this report, excellent educators refer to school leaders, teachers and support staff.
¹⁰ What Matters Now: A New Compact for Teaching and Learning. (2016). National Commission on Teaching and Learning and America's Future.

Growing and attracting excellent candidates: In conjunction with key educator stakeholder groups, Ohio and its partners can take steps to attract more individuals to the teaching profession. Low morale, limited compensation and other issues have discouraged individuals from becoming teachers. At the same time, many educators are motivated and impassioned by positively touching the lives of children, and jobs in education are among the most stable in the economy.

Ohio can address its equity issues by taking actions to recruit more teachers. Each child should have access to an effective teacher. All too often, struggling students are not served by the most effective teachers. Targeted supports and approaches can help overcome these inequities. Ohio's federally required Teacher Equity Plan is making a difference.

The state also could support school and district efforts to groom prospective teacher candidates to stay in their communities and teach in their local schools. Many regions across Ohio have created and applied "grow your own" programs. The programs expose local candidates to the teaching profession at a young age and recruit them back to teach after they earn initial licensure. This strategy has been effectively used to recruit individuals from under-represented groups.

Strengthening and refining teacher preparation: In collaboration with colleges of education and teacher preparation programs, Ohio could improve preservice training and individualized preservice supports. Examples include requiring clinical experiences be a minimum of one year and sharpening the focus of preparation programs to better address differentiation, instructional practices (including **trauma-informed practices**), cultural relevancy and student supports. Ohio's Resident Educator Program, regarded as a national model, provides additional early-service supports to teachers as they aspire to full licensure. The Ohio Department of Higher Education prepares the Ohio Educator Performance Reports on an annual basis. The report can be used even more to inform and enhance teacher preparation practices.

Leveraging alternative preparation programs: In the face of a looming educator shortage, state- and federally approved alternative teacher preparation programs can help expand the talent pool. Some of the best alternative programs apply rigorous selection processes, emphasize personalized preservice training and deliver in-service supports that continue once the teacher is assigned to the classroom.

STRATEGY 2

Support every principal to be highly effective—especially those leading schools that serve the neediest children.

Successful school leaders create the conditions necessary for teachers to excel and students to succeed. They provide clear direction, analyze data, visit classrooms, transform building culture, review school and system goals and cultivate an environment of continuous learning that engages teachers in their professional learning at every step of the way. However, identifying and developing effective leaders is no easy task.

Finalizing new principal standards and refining the preparation process: To help, Ohio is revising its Standards for Principals. These define what principals need to know and be able to do and emphasize a leader's role in building a collaborative learning culture for students and caring, committed adults. The newly revised standards will drive improvements to principal preparation programs and the state's principal evaluation system.

Supporting school leaders: In turn, the state should provide additional technical assistance to help in-service principals build capacity and hone their skills. To that end, Ohio increased its support for principal mentorship programs that pair new and seasoned principals together. The experienced principal provides ongoing counsel and support. The program helps new principals provide high-quality, actionable feedback to teachers. It also helps them creatively manage school schedules so that teachers can collaborate, reflect, adjust lessons and practice new approaches.

Supporting leader recruitment: The state can work with educational service centers and other **education intermediaries** to offer technical assistance aimed at helping schools and districts identify candidates who are likely to become effective principals.

STRATEGY 3

Improve targeted supports and professional learning so teachers can deliver excellent instruction today, tomorrow and throughout their careers.

As Ohio shifts to recognize the importance of all four equal learning domains, educators need to implement **instructional practices** that reflect and maximize a student's understanding of those domains. The most effective instructional practices are personalized, culturally relevant and directly engage the student in the experience.

Sharing best practices: At the state level, steps can be taken to share and disseminate instructional best practices with teachers. These could include curriculum, instructional approaches and materials that are informed by research, the school's individual needs, local community standards, student composition and teacher capacity. Educators also should have access to options for delivering the best digital and personalized learning (building on the **Future Ready Framework**). Such options might include **project- and case-based learning, STEM and STEAM** (science, technology, engineering, the arts and math) or other similar instructional techniques that challenge students to solve problems creatively through an integrated approach to learning. To effectively teach, educators must know how to individualize and differentiate instruction to meet the learning needs of students with disabilities, students of all cultures, English learners and gifted students.



EQUITY: Highly effective teachers and instructional practices are at the heart of student learning. Culturally relevant teaching and instructional practices ensure that educators reach each child in the classroom. This promotes equity.



PARTNERSHIPS: Partners play a critical role in ensuring an abundant supply of educator talent. This starts with higher education, which has the greatest hand in preparing tomorrow's teachers and school leaders. Business, industry and community partners enrich professional learning opportunities for educators and transform instructional delivery through real-world experiences.



QUALITY SCHOOLS: Quality schools focus on excellent instruction in every classroom every day. Teachers collaborate and drive continuous improvement. Attention to **school culture** creates a sense of family and builds collective effort. This enhances feedback loops and shared accountability. Quality schools build teacher capacity by providing ongoing professional learning opportunities, collaborative planning time and focused **communities of practice**.

Standards, Assessments and Accountability

A high-quality, responsive education system includes a clear definition for what students should know and be able to do (standards), balanced ways to gauge achievement and system performance (assessments) and feedback mechanisms that identify strengths and weaknesses and support continuous improvement (accountability).

In 2001, Ohio was one of the first states in the nation to implement an aligned set of standards, assessments and accountability. These elements now enable Ohio to clearly define student expectations, measure those expectations and use performance data to improve student learning opportunities. In service of equity, Ohio must continue to maintain academically challenging expectations for each child. Likewise, the state could better define expectations for social-emotional learning and leadership and reasoning. The more students increase their knowledge and master skills of all varieties, the more likely they are to succeed.

STRATEGY 4

Identify clear learning standards and guidelines that reflect all four equal learning domains.

The four equal learning domains are a broad representation of what Ohio wants students to know and be able to do beyond the traditional academic subjects. For a long time, Ohio has had standards focused on the foundational knowledge and skills and well-rounded content learning domains. In these two learning domains, the state engages a mix of Ohio-based educators and experts to review and revise the standards.

Developing standards that reflect social-emotional learning and leadership and reasoning skills domains: State-level steps should be taken to engage educators, employers and experts in the development of standards and guidelines for what students should be able to demonstrate in the learning domains of leadership and reasoning and social-emotional learning. While many students have acquired such skills as part of their school experiences, it is necessary to become more explicit and deliberate about these domains. Doing this ensures educators and partners across the state share a common language and understanding. It also promotes the sharing of resources, research, strategies and technical assistance. Ohio currently has social-emotional learning standards for birth through grade 3. To build on these, the Ohio Department of Education commissioned a Social-Emotional Learning Standards Advisory Group to recommend social-emotional learning standards or competencies for the entire preK-12 continuum.

STRATEGY 5

Move toward a varied system of assessments that allows students to demonstrate academic competency and mastery in ways beyond state standardized tests. Acknowledge local choice in gauging non-academic knowledge and skills.

Ohio's current assessment system (broadly defined as how the state measures a student's acquisition of knowledge and skills, aligned to the state's standards, to provide information and feedback to students, families, communities, schools and districts) primarily uses standardized tests in a few academic content areas to gauge student and system performance. Ohio also uses an assessment of kindergarten readiness and supports districts in using assessment tools to diagnose or gain understanding at important points in preK-12 education (most notably, third-grade reading).

Identifying robust and diverse ways to measure performance: The state should explore innovative approaches to assessing academic knowledge and skills that go beyond traditional standardized testing. Schools and districts should determine the extent to which they require feedback regarding student knowledge and skill development in other areas. A handful of schools in Ohio already have worked with community partners—including employers and business leaders—to develop rubrics that gauge non-academic learning domains. The state will not assess student acquisition or demonstration of any K-12 social-emotional learning standards.

Ohio needs to address challenges related to a reliance on standardized assessments in academic content areas, especially in high-stakes situations. Students should have multiple ways to demonstrate what they know and are able to do. The State Board of Education recognizes this point and is examining the use of alternative tools as validated, reliable methods to assess knowledge. Such tools might include student portfolios, **capstone projects**, presentations or performance-based assessments.

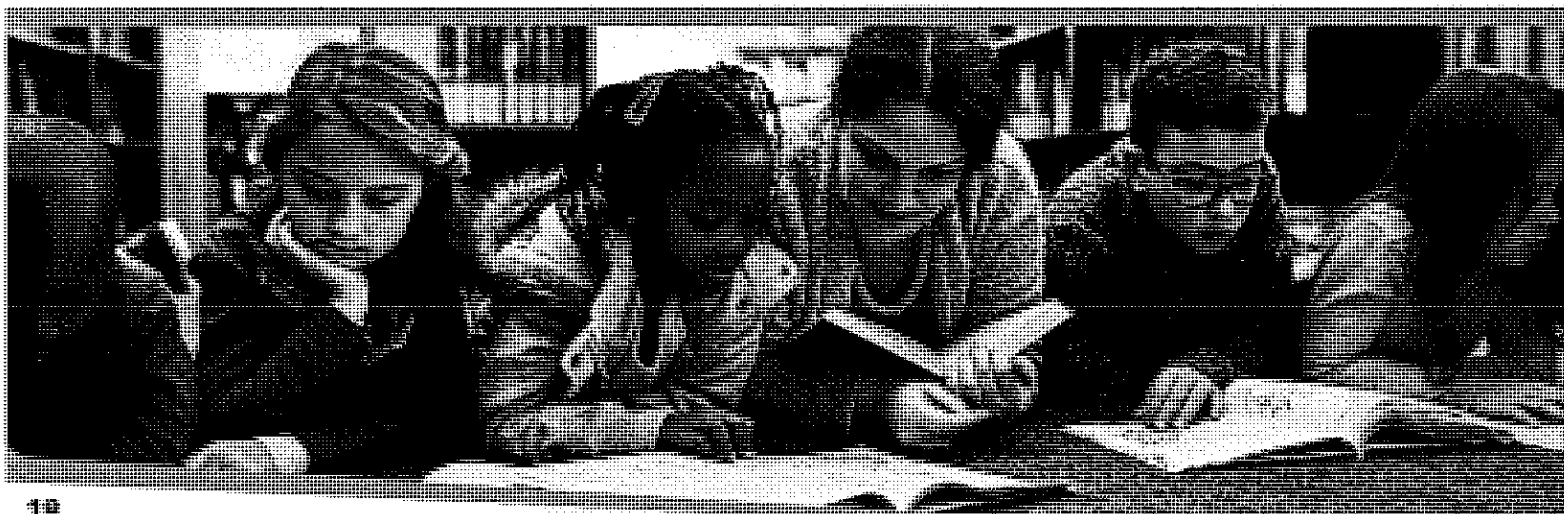
Moving toward a balanced kindergarten readiness assessment: The Ohio Department of Education also can move toward a balanced kindergarten readiness assessment that provides useful information about kindergarten readiness, is attentive to implementation barriers and recognizes test administration issues. Information from the kindergarten readiness assessment helps the state gauge the quality and effectiveness of **early childhood** education initiatives. The current assessment measures competencies beyond academics. At the same time, it is sometimes considered challenging to implement. The Department convened an advisory group to facilitate a more balanced approach to this tool.

STRATEGY 6

Refine the state's accountability system to be a fairer, more meaningful process.

The purpose of Ohio's accountability system is to gauge performance of state-, district- and school-level education systems and to identify areas that need improvement so each student is on a path to success. Feedback from the education field suggests the system should be modified to include a more robust and balanced set of reporting measures. A committee of State Board of Education members and external stakeholders is examining closely the state's report card consistent with this strategy, with recommendations developed in July 2018. There are likely to be short-term changes, as well as recommendations for longer-term improvements.

Providing tools and information to gauge progress: As Ohio seeks to value all four learning domains, it will need to enhance existing tools and create new supports. These tools and supports should concentrate on bringing greater meaning and usefulness to report card data. The state will not, however, include any information on the state report card related to social-emotional learning. At their discretion, schools and districts can develop their own feedback mechanisms that extend beyond those provided by the state.





EQUITY: Academically challenging standards for what each child should know and be able to do are fundamental to achieving equity in education. A diverse system of assessments of academic content ensures fairness for students by recognizing that there are many ways to demonstrate the acquisition of knowledge and skills.



PARTNERSHIPS: Partners can support the development of state standards and align programs around them. Partners also can support continuous improvement practices that use information reported by the accountability system.



QUALITY SCHOOLS: Standards form the basis for teaching and learning. Assessments and accountability need to create a system of measurement and feedback that supports a continuous improvement culture driven by data. This feedback loop is critical to support student success.

Student Supports and School Climate and Culture

Each child has needs that must be met to ensure he or she is excited and ready to learn and grow.

Children face various circumstances and life experiences that can impact their success in school. Research shows that multiple adverse childhood experiences (ACEs) result in significant harm to a child's development, often impairing social, emotional and cognitive development and later resulting in health-risk behaviors.¹¹ A responsive education system committed to equity in education is one that successfully partners with families and community members to identify and address the needs of each child.

STRATEGY 7

Work together with parents, caregivers and community partners to help schools meet the needs of the whole child.

Ideally, each child's basic needs (for example, safety, social belonging, self-esteem and self-actualization) must be met to enable deeper learning. Unless the whole child is considered and supported, the conditions for learning are less than optimal.

Adopting a whole-child model for meeting a child's needs: Through this plan, Ohio aspires to support aspects of the whole-child approach,¹² which include:

- **Healthy:** Each student enters school healthy and learns about and practices a healthy lifestyle;
- **Safe (physically and emotionally):** Each student learns in an environment that is physically and emotionally safe;
- **Engaged:** Each student is engaged in learning and is connected to the school and broader community;
- **Supported:** Each student has access to personalized learning, along with other necessary resources, and is supported by qualified, caring and committed adults; and
- **Challenged:** Each student is challenged academically and prepared for success.

¹¹ Substance Abuses and Mental Health Services Administration: <https://www.samhsa.gov/capt/practicing-effective-prevention/prevention-behavioral-health/adverse-childhood-experiences>

¹² Adapted from ASCD's Whole Child Tenets <http://www.ascd.org/whole-child.aspx>

Providing training and raising awareness: Meeting the needs of the whole child starts with parents and caregivers, who may need supports to identify and address their children's needs. Additionally, caring, committed adults who work with students, particularly educators, should be trained to enable the whole-child approach. Ohio and its education stakeholders can identify, curate and share resources aimed at increasing awareness and understanding of how to identify and address student needs. The state also could provide aligned technical assistance. This includes techniques that foster social-emotional learning and promote effective **trauma-informed practices**. Training and development also must emphasize the importance of cultural competency and culturally sensitive approaches that have the greatest impact on students.

Identifying, disseminating and supporting effective school practices: Creating the culture and conditions that recognize the whole-child approach means each child feels supported by caring, committed adults and empathetic peers. The community that comprises a school must establish norms and expectations for behaviors that are applied consistently and owned by students and staff alike. Establishing a sense of belonging and collective accountability among students and staff is key to a safe and healthy school culture. **Restorative practices** are effective tools for building community.

Ohio already developed school climate guidelines and anti-harassment and bullying guidelines, including the implementation of **Positive Behavioral Interventions and Supports (PBIS)**. To build on this work, the State Board of Education convened an advisory group to develop best practices for social, emotional, mental and behavioral wellness education for students. Ohio can identify and share best practices and effective techniques. This will increase the capacity for caring, committed adults to respond quickly and consistently to troubling behaviors and signs of distress.

Across the state, there are examples where health care providers (including those addressing dental and optical needs), behavioral health providers, after-school program operators, libraries, businesses, philanthropy and other local government and community organizations are collaborating to meet students' needs. Capitalizing on this momentum, the state should provide guidance and make connections within communities to further expand on these initiatives. To that end, Ohio already implemented a School-Based Health Care Support Toolkit to support the expansion of school-based health care activities around the state. More opportunities like these are needed.



EQUITY: Student supports, school climate and culture are essential to achieving equity in opportunity. When properly deployed, holistic supports can improve the likelihood of student success.



PARTNERSHIPS: Addressing the needs of the whole child starts with parents, caregivers and schools and extends to other government and community organizations that serve children and business and philanthropy. Sometimes these services are disjointed and siloed; partners must work together to provide seamless services for students.



QUALITY SCHOOLS: The school is a focal point for addressing a child's health, social, emotional and behavioral needs in the interest of learning readiness. Everyone in the school community can engage to establish consistent expectations for behavior and create a culture that is caring and supportive.

Early Learning and Literacy

Each child must have access to early learning experiences that are rooted in brain-development research and lead to kindergarten readiness.

The research is clear: prenatal through third-grade experiences profoundly shape brain development. Without the ability to master fundamental language concepts, students likely will struggle in other learning areas. Furthermore, literacy skills must be a focal point throughout each child's academic experience—from birth to high school graduation. This plan seeks to ensure that each child has the early learning and literacy foundation to succeed by age 8.

STRATEGY 8

Promote the importance of early learning and expand access to quality early learning experiences.

Ohio has a track record of focusing on early learning, but more needs to be done. Basic structures are in place to promote program collaboration, expand services as resources become available and ensure quality through the state's **Step Up To Quality** program. At the same time, Ohio's system needs to better communicate the importance of expanding quality early learning experiences, supporting parents and caregivers, and streamlining regulatory and service systems.

Promoting clear, consistent messages: The Ohio Department of Education is well positioned to work with the other five state agencies (Ohio Departments of Job and Family Services, Medicaid, Developmental Disabilities, Health and Mental Health & Addiction Services) and other partners that serve young children and their families to develop clear, common, research-based and culturally sensitive messages. These messages should communicate the importance of brain development, social-emotional learning, language development and foundational learning skills. All these state agencies and their partners should be held mutually accountable for ensuring this message is consistent and has a positive impact on parents and caregivers.

Streamlining regulatory functions: Six state agencies (refer to list above) and the federal government (through Head Start) serve young children and their families. Each embrace a similar goal: to improve outcomes for children from birth through third grade so they are on track for a life filled with learning. However, the agencies apply a variety of requirements and approaches when serving Ohio's children and families. Parents and caregivers could be better informed if the six state agencies coordinate, align and implement programs consistently.

Coordinating early learning research and information: To bolster the message and share relevant and evidence-based resources, the Ohio Department of Education can create an easily accessible clearinghouse for early childhood research, resources, **evidence-based strategies** and data. To be effective, the clearinghouse will need to customize information for specific audiences—parents and caregivers, learning providers, libraries, community organizations and faith-based organizations. This clearinghouse also will need to catalogue and disseminate resources aligned to Ohio's Birth through Kindergarten Early Learning and Development Standards, Ohio's Learning Standards K-3, Ohio's Learning Standards for English Language Arts and Ohio's Plan to Raise Literacy Achievement. The clearinghouse can support program and school-based teams (birth to third-grade teachers, support specialists and administrators) by providing universal and targeted instruction and resources for educators and families based on effective early learning, language and literacy development practices.

STRATEGY 9

Develop literacy skills across all ages, grades and subjects.

Frederick Douglass said, "Once you learn to read, you will be forever free." The more literate an individual, the more capable he or she is of reaching education and career aspirations. One might say literacy is equity. Building on Ohio's Plan to Raise Literacy Achievement, this strategy pushes Ohio to help each child master essential literacy skills. Ohio must continue to support its youngest learners, while simultaneously launching targeted supports for middle and high school students, when necessary. Too many students in Ohio lack the literacy skills needed to advance and graduate.

Building capacity for effective literacy instruction: To do this, the state must help build the capacity of educators, as well as that of other partners like parents and caregivers, after-school programs and community organizations, to implement research-supported language and literacy development instructional practices. Again, this work should build on Ohio's Plan to Raise Literacy Achievement.

Professional development and technical assistance tied to research-based language and literacy development instructional practices are key to building capacity. Also, literacy skills development needs to be a shared responsibility that cuts across all grade levels and subject areas. In other words, teachers of key academic subjects should be equipped to help students develop literacy skills using those subjects (e.g., content-specific vocabulary and comprehension skills). Even the youngest students should be supported in their literacy achievement through context-related experiences that build content-based vocabulary and other subject knowledge.



EQUITY: A kindergarten student who enters the classroom lacking basic learning (including literacy) and social skills starts behind his or her peers and faces dramatic challenges to catch up. This can start a cycle of inequity. Access to high-quality early learning opportunities can break the cycle.



PARTNERSHIPS: Success requires the support and collaboration of parents, caregivers and families and the education system (especially the early childhood education community). Likewise, community partners who have interest in the healthy development of children, such as libraries, after-school programs, cultural institutions, health care providers, businesses, philanthropy and the faith-based community, are essential.



QUALITY SCHOOLS: As Ohio works to increase access to high-quality early learning opportunities, more schools are likely to support younger learners. It is important that early learning opportunities are linked seamlessly to K-12 schools to ensure coherence and a smooth student transition.



High School Success and Postsecondary Connections

In high school, each child should see the relevance of his or her learning, be exposed to practical, real-world work settings and begin to define his or her future.

High schools set the stage for a student's future success. As students grow and mature, most begin to see they are becoming responsible for their own lives. Unfortunately, many students struggle with the transition that comes after high school. Some do not graduate from high school. Others leave their postsecondary experiences before crossing the finish line to a **credential**, certificate or degree. Those who go straight into the workforce often lack the skills and dispositions required for success. Strategy 10 seeks to change this by maximizing the high school experience.

STRATEGY 10

Ensure high school inspires students to identify paths to future success, and give students multiple ways to demonstrate the knowledge, skills and dispositions necessary for high school graduation and beyond.

Too often, high school reflects a checklist of classes, extracurriculars, test scores and experiences that leave some students wondering and wandering. Ohio has many great high schools, including its career-technical education centers. Students in these schools learn through career exploration. They take college courses. They receive personalized and customized learning that synchronizes with their passions and interests. They move outside the boundaries of the school building into work-based experiences. Students engage and manage their own learning. Ohio needs more high schools like this.

Focusing on careers: Choosing a "path" does not mean that a student makes a career choice that cannot change. It means gauging a student's interests and passions, based on what a student enjoys and is good at, and identifying aligned fields that might interest the student. Giving each student an opportunity to focus on careers will require teachers, staff and partners to understand career exploration. It also means that, when possible, instruction should be infused with connections to careers so that students can see the relevance of what they learn. Some high schools apply a career theme across the entire school.

Advancing successful models: There are many models of redesigned middle and high schools that can contribute to a more successful learning environment. Ohio has **early college** high schools, STEM and STEAM schools, **project-based learning** high schools, **expeditionary learning** high schools, **Advanced Placement (AP)** and **International Baccalaureate (IB)** programs, global awareness high schools and more. The Department should collaborate with key stakeholders to help identify and disseminate models for high school that can be used to inspire transformation.

Expanding work-based learning experiences: Helping students connect to business is key to high school improvement. Students who participate in work-based learning gain valuable, relevant skills and often can discern whether particular professions are a good fit. They gain insight from business mentors who can help them achieve a deeper understanding of various career areas. Many of Ohio's innovative high school principals have established partnerships with local businesses to enrich students' experiences.

Honoring and promoting career-technical education: Career-technical education continues to face a stigma, which harms student opportunity. Ohio needs to tackle this cultural bias head on. Students who enroll in career-technical education programs and earn industry credentials are poised to directly enter the workplace or go on to two-year or four-year colleges—whatever they may choose.

Expanding paths to graduation: Ohio can help schools formulate student-focused plans to ensure that graduates possess the habits and dispositions necessary for success after high school (refer to the Possible Attributes of a High School Graduate framework in the Appendix). The following suggestions could inform such plans:

- Emphasize equity and access;
- Start early to identify career and postsecondary aspirations and counsel students how best to stay on a path to excellence;
- Push and challenge students to reach rigorous levels of knowledge and skill acquisition;
- Identify learning options—including career-technical experiences, work-based learning, **project-based or case-based learning** approaches and others—most appropriate for students' success;
- Validly, reliably and consistently measure how students demonstrate competency and mastery;
- Use rubrics to gauge student progress and assess performance;
- Consider a robust portfolio of measures, including end-of-course, ACT/SAT and demonstration-based measures (for example, capstone projects); and
- Expose students to relevant concepts and work-based, experiential learning.



EQUITY: Students who struggle academically have unique challenges in pursuing postsecondary success. With a strong focus on understanding and meeting each student's needs, and personalizing the high school experience, all students can transition successfully to life beyond high school.



PARTNERSHIPS: Partners are essential to expanding learning opportunities during the high school years. Students in their teens can be effective interns and often crave community service opportunities that expose them to real-life experiences.



QUALITY SCHOOLS: High school is an important transition point in a student's life. As students mature and begin to contemplate young adulthood, high schools must collectively support students in exploring interests, developing aspirations and understanding the realities of existing and thriving in the real world.



Implementing Each Child, Our Future

This plan is the first step in a journey. The real work, and the biggest challenge, is to follow through with meaningful implementation. The same principles that guided the development of the strategic plan will steer implementation, and Ohio Department of Education leaders commit to the following principles:

USE A PARTNERSHIP-BASED APPROACH. Implementation is stronger when carried out collaboratively by stakeholders. The State Board and Department employed a partnership-based approach to develop *Each Child, Our Future*, and it proved an effective way to garner stakeholder investment. Going forward, the Department will continue to convene partners—including parents, caregivers, students, educators, higher education representatives, business and philanthropy leaders, state legislators and others—to collectively develop action plans aimed at implementing the plan components, especially the 10 strategies. When possible, these action plans will build on work already underway. For instance, the Department recently commenced several advisory groups focused on refining the state’s accountability system (refer to Strategy 6) and identifying future graduation requirements (refer to Strategy 10). Some implementation actions could happen quickly, while others may take more time. Some can occur as part of the Department’s regular course of activity, and others might require law or rule changes.

EMPHASIZE SUPPORT SERVICES MORE THAN COMPLIANCE. This strategic plan presents an exciting opportunity to reshape the work of the Department. The plan will lead to some agency restructuring, guided by the question, “**How can the Department provide the best possible supports to schools, districts and educators so they are best positioned to challenge, prepare and empower each child in Ohio?**” Ultimately, the objective is to align efforts across the agency in a coherent way that supports schools, districts and educators for success. Of course, compliance is not going away. There are still important compliance-related obligations that must be met, but those will not be the driving focus of the agency.

USE DATA TO INFORM IMPROVEMENT. The Department will pursue data sources and data-sharing agreements that will be used to establish a baseline for the plan’s stated goal. In addition, new data collection may be needed. Caution should be exercised when considering new data collection sources and methods to avoid adding unnecessary burdens and to protect student privacy. The Department will work closely with other state agencies and national data organizations to identify appropriate data sources. The Department also will establish intermediate progress indicators that gauge the extent to which the education system and students are on track to meeting the goal. Ideally, Ohio would have interim measures at various points over the course of a student’s educational experience (preschool, elementary grades, middle grades, high school grades) that show progress and accomplishment. In some cases, the state can rely on traditional measures of proficiency in certain content areas, but such measures are not sufficiently robust in terms of what this plan promotes. At the same time, leaders recognize it will take time to fully develop meaningful and appropriate metrics that speak to all plan dimensions, especially the four equal learning domains.

ACKNOWLEDGE THAT ONE SIZE DOES NOT FIT ALL. This plan was not developed to be a prescriptive mandate. The intent is to inspire and inform discussions about what is happening in schools each day. It is meant to support action in the name of continuous improvement. It is meant to bring schools and districts together to address shared needs and challenges and identify multiple approaches to achieving excellence. This plan embraces the idea that there is no one-size-fits-all approach.

ENGAGE KEY STATE-LEVEL PARTNERS. The State Board and Department will continue to work with the governor, state legislature, key policy influencers and other stakeholders.

UNDERSTAND THAT SUCCESS RELIES ON LEADERSHIP OF LOCAL SCHOOLS AND DISTRICTS.

Just as the State Board and Department committed to the previously stated implementation principles, **local school leaders and educators** should review the following questions as they consider how this plan might impact their work.

- Are we working in our community to explore ways to increase access to quality early childhood experiences? Do we have strong relationships with early childhood providers whose students will be in our classrooms?
- Have we addressed issues of teacher excellence including recruitment, induction, feedback, professional development and retention?
- Have we addressed issues of academic rigor, quality instructional practices, excellent curriculum and the four equal learning domains?
- Have we addressed challenges we may face with school climate and culture?
- Have we developed effective partnerships with the broad range of partners who could support student success?
- Do we have a clear understanding of what we are striving for—and, if not, where can we go to see it?
- Have we thought about and developed our own continuous improvement action plan for addressing areas described in this plan? Are we committed to the plan and working to implement it? Are we analyzing data to guide us in identifying underperformance and its causes?

What every school and district chooses to do will look different. For best results, schools and districts should not focus on everything all at once. They can choose to start with any number of elements. The only choice that is not valid is the choice to do nothing. The State Board and Department are committed to being strong and supportive partners to each district in the interest of continuing our journey to achieve the vision of ensuring each child is successful and ready to create the future of our communities, our state and our nation.

Appendix

Glossary

Achievement gap – The difference in academic achievement between students as a whole and specific subgroups of students, such as racial minorities, English learners, economically disadvantaged students and students with disabilities.

Advanced Placement (AP) – An education program created by the College Board that offers college-level curricula and examinations to high school students. Higher education institutions may grant placement and course credit to students who earn qualifying scores on the examinations.

Adverse childhood experiences (ACE) – Stressful or traumatic events in a student's life, including abuse and neglect. These experiences may include household dysfunction, such as witnessing domestic violence or growing up with family members who have substance abuse disorders.

Artificial intelligence (AI) – The ability of computers or computer-controlled machines to perform human tasks thought to require intelligence.

Case-based learning – A teaching method that presents students with open-ended, incomplete scenarios, or cases, that require complex solutions. Each case includes an account of events and facts specific to the problem, along with decision points that promote critical thinking and student discussion. To solve cases, students exchange information, defend points of view and build on the ideas of others.

Capstone project – A project that can be part of a district's or school's graduation requirements. It is a multifaceted assignment that serves as a culminating academic and intellectual experience for students, typically during their final year of high school.

Career-technical education (CTE) – An educational pathway that provides students, starting in grade 7, with academic and technical skills, knowledge and training in any of dozens of technical industries such as manufacturing, engineering and health care. Career-technical education integrates core academic knowledge, such as mathematics and English language arts, into a technical education framework. Career-technical education can conclude with the earning of an industry-recognized credential and can serve as a springboard to postsecondary education and careers. Approximately 160,000 Ohio middle and high school students are enrolled in career-technical education courses.

Community Eligibility Provision (CEP) – A meal service option for schools and districts in low-income areas. CEP allows the nation's highest-poverty schools and districts to serve breakfast and lunch at no cost to all enrolled students without collecting household applications. Schools and districts in the CEP program are federally reimbursed.

Communities of practice – Groups of educators who share a concern or a passion for what they do and collaborate regularly with the goal of identifying solutions for continuous improvement.

Continuous improvement – Maintaining a constant focus on advancing student academic and non-academic needs based on a set of specific goals.

Credential – An industry credential is an acknowledgement of a student's mastery of required knowledge and skills specific to an industry sector. Industries often create credentials that set forth the knowledge and skills students need to be successful. A teaching credential also acknowledges mastery and permits an educator to teach certain content or grade bands.

Culturally relevant/responsive instruction – A student-centered approach to teaching where the educator makes content and curricula accessible to students and teaches in a way students can understand.

Design thinking – A type of creative approach to problem-solving in which participants define a problem through deep analysis, often doing formal or informal research to minimize wrong assumptions; create and consider many options; refine those options; and pick the best solution and execute.

Disaggregating student data – Breaking down student performance data by specific groups of students, such as African American, Hispanic, English learners, economically disadvantaged and students with disabilities, for the purpose of systematic review to help schools better understand subgroup-specific descriptive statistics, trends and achievement gaps.

Early childhood – The childhood years from birth through grade 3.

Early college high schools – A learning experience that combines high school and the first several years of college. In grades 9 and 10, students often take college prep classes. In grades 11 and 12, students take college-level classes, earning both college and high school credit. Tuition and books at most early college high schools are free.

Economically disadvantaged – Students who meet at least one of four criteria, including students who are eligible for free or reduced-price meals under the National School Lunch and Child Nutrition Programs and students who live in households where another household member is eligible for free or reduced-price meals.

Education intermediaries – An education partner organization or entity that connects people and programs to enrich student learning opportunities.

English learners – Students whose primary or home language is a language other than English and who need special language assistance to participate effectively in school instructional programs where English is the language of instruction.

Equity – Each child has access to relevant and challenging academic experiences and educational resources necessary for success across race, gender, ethnicity, language, disability, family background and/or income.

Expeditionary learning – A schooling model that emphasizes high achievement through learning that is active, challenging, meaningful, public and collaborative. Expeditionary learning focuses on three core areas: mastery of knowledge and skills, character and high-quality student work.

Evidence-based strategies – Evidence-based strategies are practices or activities that have been evaluated and proven to improve student outcomes. The Every Student Succeeds Act (ESSA) defines four levels of evidence-based strategies based on the design and outcomes of the evaluations associated with the strategy. The four levels are: Strong, Moderate, Promising and Demonstrates a Rationale.

Future Ready Framework – A structure that helps schools and districts vision, plan and implement digital and personalized student learning. The framework helps schools and districts identify learning technology gaps and implement a plan to address these gaps. Personalized learning technology allows a student to receive feedback during the learning process and move at the student's own pace (see also: *Personalized Learning*).

Foundational knowledge and skills – Literacy, numeracy and technology skills. Each child must know how to think critically as he or she reads, writes, works with numbers and uses technology to maximize future learning experiences.

Growth mindset – The expectation that one will continually improve by learning new skills and building on current skills through dedication and hard work, as well as intelligence. A growth mindset allows a love of learning and resilience that is essential for accomplishment.

Highly effective teacher – A teacher who can plan and deliver engaging instruction that includes high expectations for each student and advances the learning of each student. The highly effective teacher achieves this through a clear understanding of student learning and development, mastery of content and respect for diversity, as well as by creating a rich learning environment and collaborating with students, parents and community members.

Homeless – A student who lacks a fixed, regular and adequate nighttime residence, as defined by the McKinney-Vento Homeless Assistance Act.

Instructional practices – Specific teaching methods that guide interaction in the classroom. Effective instructional practices use students' unique characteristics, backgrounds, prior experiences, interests and strengths to make learning connections and demonstrate behaviors and attitudes that encourage and embrace cross-cultural understanding.

International Baccalaureate (IB) – An international education program that integrates disciplines of study, commonly focused on students ages 16-19. IB courses expose students to breadth and depth of knowledge and help them become active, compassionate, lifelong learners. IB students can choose to earn an IB diploma, an Ohio IB Honors Diploma, and college credit.

Leadership and reasoning skills – Among other skills, leadership includes learning from mistakes and improving for the future, listening to others and working to achieve a common goal, and giving and receiving feedback. Reasoning means that students know how to draw on multiple disciplines to synthesize information, develop creative solutions and generate new ideas.

Lifelong learner – One who is motivated to continue seeking new knowledge and skills throughout his or her lifetime.

Living wage – The salary or hourly rate an individual must earn to support his or her family. This plan references the living wage calculator, which identifies living wages on a county-by-county basis for Ohio and states across the nation. The calculator is maintained and updated annually by the Massachusetts Institute of Technology. Find it at <http://livingwage.mit.edu/states/39/locations>.

Partners – Everyone shares the responsibility of preparing children for successful futures. The most important partners are parents and caregivers, who have the greatest impact on a child's development. Other critical partners include educators, institutions of higher education, business, philanthropy, employers, libraries, social service organizations, community members, health care providers, behavioral health experts and many more.

Personalized learning – A learning model that allows for the different ways students achieve their best. Teachers who oversee their students' personalized learning address their learning experiences and apply appropriate instructional approaches and academic support strategies that meet individual students' distinct learning needs, interests, aspirations or cultural backgrounds.

Positive behavioral interventions and supports (PBIS) – A proactive approach for selecting and using prevention and intervention strategies that support a student's academic, social, emotional and behavioral competence. In PBIS, students learn social, emotional and behavior competence, which supports their academic achievement. Educators develop positive, predictable and safe environments that promote strong interpersonal relationships.

Project-based learning – A teaching method in which students gain knowledge and skills by working for an extended period of time to investigate and respond to an authentic, engaging and complex question, problem or challenge.

Quality schools – Among other things, a quality school is where parents, caregivers, community partners and others interact for the benefit of students. Schools are an important destination where many individuals and factors come together to serve the student, including school leaders, teachers, curriculum, instruction, student supports, data analysis and more.

Restorative practices – Processes that proactively build healthy relationships and a sense of community among students and adults to prevent and address conflict and wrongdoing. Restorative practices allow individuals who have committed harm to take full responsibility for their behavior by addressing the individual(s) affected by the behavior.

Safe learning environment – Learning that takes place in an environment where a child is safe from physical or emotional harm and is receiving the range of supports needed to master academic knowledge and social and emotional skills.

School culture – The shared values, rules, belief patterns, teaching and learning approaches, behaviors, and relationships among individuals in a school. Culture encompasses a school's norms, unwritten rules, traditions and expectations. These may influence the way people dress to the way they interact with each other. Culture is deeply ingrained in a school and, therefore, may only be altered over a longer period through systematic change in a school's climate.

Social-emotional learning – The process through which children and adults acquire and effectively apply the knowledge, attitudes and skills necessary to understand and manage emotions, set and achieve positive goals, feel and show empathy for others, establish and maintain positive relationships, and make responsible decisions.

STEAM schools – STEAM stands for science, technology, engineering, the arts and mathematics. Its intention is to guide student inquiry, dialogue and critical thinking. STEAM integrates the principles of STEM through the arts.

STEM schools – STEM stands for science, technology, engineering and mathematics. It is a multidisciplinary approach to teaching and learning that fosters creativity and innovative thinking in students.

Step Up To Quality – A five-star quality rating and improvement system applied to early childhood programs that recognizes their use of standards that exceed health and safety licensing regulations.

Student supports – Assistance ranging from extra instructional help, such as tutoring or time with an intervention specialist, to free school meals, physical and behavior health services, and transportation services. Schools offer these supports to meet the basic needs of students, promoting their abilities to learn. Targeted supports refer to those that focus on a specific student's needs to help improve that student's academic and social-emotional performance.

Students with disabilities – Students who have intellectual, hearing (including deafness), speech or language, visual (including blindness), deaf-blindness, or orthopedic impairments; serious emotional disturbance; autism; traumatic brain injury; other health impairment; specific learning disability; developmental delay (for a child between the ages of 3 and 5); or multiple disabilities. As a result, these students need special education and related services.

Trauma-informed practices – Practices that realize the widespread impact of trauma, recognize the signs and symptoms of trauma in students, and respond by integrating knowledge about trauma into practices and seek to resist re-traumatization.

Well-rounded content – Academic subjects and skills apart from the fundamentals of literacy (reading), numeracy (math) and technology that make for broad knowledge and experience, help students identify their passions and aspirations, and enable them to discover connections and relationships among ideas and concepts.

Whole child – Ensuring that each child, in each school, in each community, is healthy, safe, engaged, supported and challenged.

Framework for Attributes of a High School Graduate

To help school districts across Ohio think through their own frameworks for determining what their successful high school graduates will look like, educators and employers who developed this plan consulted national research to create the following list. It is intended to both provoke and support local thinking and action.

- **Foundational knowledge and skills**—The graduate will have command of basic skills in mathematics, English language arts and technology—the building blocks that enable future learning. Specific to technology, the graduate will understand its global impact and use it to design solutions, communicate ideas and share information.
- **Well-rounded content**—The graduate will have exposure to social studies, sciences, languages, arts and physical education.
- **Critical-thinking and problem-solving skills**—The graduate will demonstrate strong decision-making skills, know how to analyze issues and approach complex challenges.
- **Resiliency, grit and work ethic**—The graduate will demonstrate follow-through and have the wherewithal to “stick to” challenging problems until a solution is identified.
- **Communication—oral and written**—The graduate will be an effective communicator who can clearly articulate his or her thoughts verbally and in writing.
- **Engaged citizens**—The graduate will productively contribute to society and engage in the democratic process (for example, vote on a regular basis).
- **Cultural awareness**—The graduate will hold a world perspective that values and respects diversity and the establishment of meaningful relationships.
- **Collaboration and teamwork**—The graduate will cultivate skills necessary to work with others and understand cooperation and compromise.
- **Adaptability and agility**—The graduate will exercise flexibility when necessary and seek to continuously learn and process new skills.
- **Social, emotional and interpersonal skills**—The graduate will express and manage his or her emotions and establish positive and rewarding relationships with others.
- **Curiosity, discovery and growth mindset**—The graduate will ask thoughtful questions, dig deeply into issues and understand that improvement results from his or her own learning.
- **Gathering information and discerning that information**—The graduate will be intentional about receiving information from multiple, reliable sources and making sense of that information.
- **Innovative and creative**—The graduate will think differently about problems—considering multiple angles of approach—and integrate skills and knowledge across disciplines to identify solutions.

In Ohio, the state determines standards (see Ohio’s Learning Standards) for what students should know and be able to do. The state also identifies the minimum requirements a student needs to graduate. Local schools lead in identifying the skills and knowledge—or attributes—that their graduates should possess, as influenced, in many cases, by their regional economies and workforce needs. The framework of attributes is a model designed to help schools think through their own locally developed lists of attributes.

This framework is aligned closely to the OhioMeansJobs-Readiness Seal. The OhioMeansJobs-Readiness Seal is a formal designation students can earn on their high school diplomas signifying their personal strengths, strong work ethic and professional experience. The framework of attributes includes the professional skills contained in the OhioMeansJobs-Readiness Seal, plus an emphasis on the academic skills required for future success.

Direction from the State Board of Education

In July 2017, the State Board of Education identified the following 12 priorities to guide development of the strategic plan. These priorities were shared with the stakeholders and partners who came together to develop the plan.

MEETING THE LEARNING NEEDS AND ASPIRATIONS OF ALL STUDENTS.

1. Prioritizing equity. The Strategic Plan must focus on strategies that meet the learning needs and aspirations of all students, especially students of poverty, students with disabilities, English learners, and other students who face unique challenges. These tend to be students who, due to barriers beyond their control, have not reached their potential for learning. They require targeted supports to be successful and, like all students, benefit from strong teacher-student relationships, differentiated instruction, developmentally appropriate methods, culturally informed practices, and personalized-learning approaches.

2. Ensuring students have foundational knowledge and skills. The Strategic Plan must promote the importance of students acquiring essential knowledge and skills in mathematics, reading, writing, science, and social studies—all of which serve as cornerstones for lifelong learning.

3. Accommodating all students' learning and growth needs and aspirations. Beyond foundational knowledge and skills, the Strategic Plan must address students' learning and growth needs through a well-rounded education. This includes, among other things, the development of social-emotional competency, learning and innovation skills, information and technology skills, and life and career skills. These skills will help students identify their passions and chart their futures.

4. Celebrating learning. The Strategic Plan must promote learning approaches that actively engage students through discovery, creativity, and exploration. This will capitalize on students' strengths, passions, and interests and fuel their curiosity and desire for more learning.

ENSURING EXCELLENT EDUCATORS (TEACHERS AND LEADERS) WHO KNOW HOW TO MEET THE LEARNING NEEDS AND ASPIRATIONS OF ALL STUDENTS.

5. Supporting effective educators who achieve results. The Strategic Plan must acknowledge the impact of excellent teachers and leaders, who research shows are the greatest contributors to student success in schools. It must promote policies and practices that ensure an abundant supply of effective teachers and leaders (and other personnel – psychologists, counselors, support staff, etc.) who are collaborative, empowered, prepared and developed to nurture student growth and boost student accomplishment.

FOSTERING ENGAGING, SUPPORTIVE SCHOOLS THAT MAXIMIZE STUDENT LEARNING.

6. Fostering environments that maximize student learning. The Strategic Plan must identify and promote strategies to help students overcome barriers to learning and build teacher and leader capacity to support those strategies. Strategies should include reducing stress, addressing experiences of trauma, implementing restorative practices, and meeting physical, social, and emotional needs. Strategies promoted in the Strategic Plan should seek to assure that students are educated in safe, supportive, nurturing, challenging, emotionally secure, and engaging environments.

7. Advancing quality in- and out-of-school learning opportunities. The Strategic Plan must identify ways to promote access to opportunities that enrich the student learning experience during the school day, after the school day, and beyond the traditional K-12 school experience (including, but not limited to, opportunities for students to participate in community service, internships, mentoring, and after- and out-of-school experiences).

8. Promoting evidence-based, innovative learning practices. The Strategic Plan must support school districts in promoting and implementing innovative and evidence-based learning practices, including, but not limited to, the integrated use of technology and authentic, real-world, experiential learning and project-based learning.

MAINTAINING AN EDUCATION SYSTEM THAT SUPPORTS STUDENTS, TEACHERS, AND FAMILIES.

9. Prioritizing early learning. The Strategic Plan must recognize the value and return on investment of early learning. It must identify strategies that advance high-quality, developmentally appropriate, hands-on early childhood and preschool opportunities for students. It must promote collaborations with parents, caregivers and community partners that emphasize the importance of early learning.

10. Striking partnerships to deploy integrated supports. The Strategic Plan must promote and encourage schools to partner with parents, caregivers, community members, and organizations to help maximize learning and support student opportunities and accomplishments. These supports can address students' basic needs or more specialized conditions (e.g., nutrition, vision/hearing, health care, career exploration, workplace learning, etc.) that have an impact on learning and life.

11. Emphasizing collective stakeholder impact. At the state and local levels, the Strategic Plan must recognize the power of collective impact and seek to leverage all elements of society—including critical partners such as parents, caregivers, community and faith-based organizations, businesses, state legislators, etc.—in a shared commitment to the continuous improvement of the education system and the lives of children.

12. Measuring progress. The Strategic Plan must identify and promote strategies to help students overcome barriers to learning and build teacher and leader capacity to support those strategies. Strategies should include reducing stress, addressing experiences of trauma, implementing restorative practices, and meeting physical, social, and emotional needs. Strategies promoted in the Strategic Plan should seek to assure that students are educated in safe, supportive, nurturing, challenging, emotionally secure, and engaging environments.

Partners Who Contributed to the Development of the Plan

More than 150 partners had a hand in developing this plan. Those partners, listed individually below, include teachers and school leaders from preK-12, higher education representatives, parents, business leaders and employers, philanthropy, community leaders and others. This plan would not be possible without their dedicated engagement over the last seven months.

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The Steering Committee provided high-level oversight of the strategic plan development process.

- Rep. Andrew Brenner, Ohio House of Representatives
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- Julie Davis, Ohio Assoc. of Elementary School Admin.
- Paolo DeMaria, Ohio Superintendent of Public Instruction

- Tess Elshoff, President, State Board of Education
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The Plan Development Oversight Team provided day-to-day oversight of the plan development process. It brought representatives of Ohio's education community together with staff from the Ohio Department of Education.

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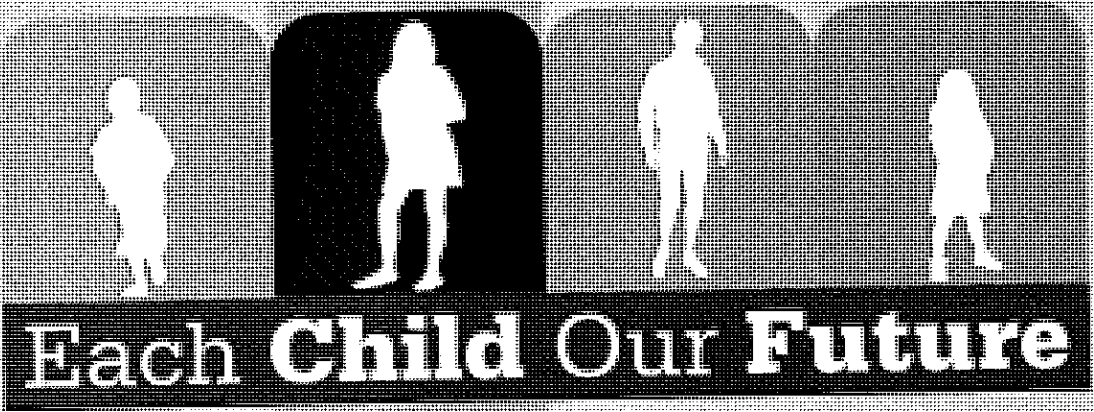
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Ohio Strategic Plan For Education: 2019-2024

For more information visit:



Ohio | Department of Education

Woke Racism in school: Brainwashing the children

May 4, 2021

**Adolf Hitler “He alone, who owns the
youth, gains the future.”**

**Vladimir Lenin “Give me one generation
of youth and I’ll transform the whole
world.”**

Speakers

- **Kirsten Hill, Current Elected Member, Ohio**

Board of Education (Counties: Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood)

- **Lisa Woods, Former Elected Member, Ohio**

Board of Education (Counties: Ashland, Medina, Richland, Wayne Parts of Cuyahoga, Holmes, Stark, Summit)

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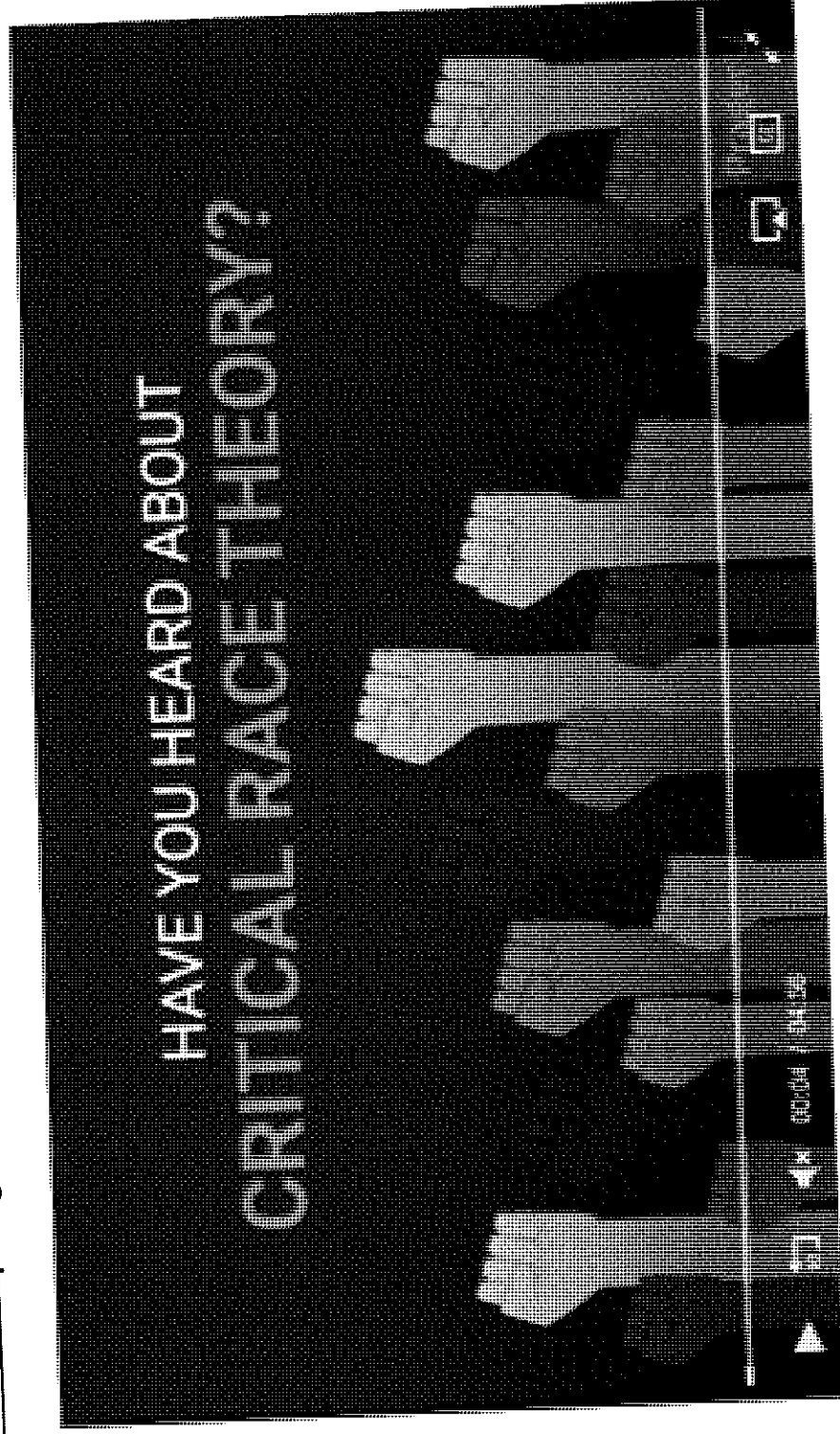
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

What is Critical Race Theory?

- First, Critical Race Theory views race and racism this way: race is a political construction that was invented by white people to give themselves power while excluding all other races from it, and racism is the ordinary state of affairs in society, present in all interactions, institutions, and phenomena, and effectively permanent in society
- Second, Critical Race Theory does not continue the legacy of the Civil Rights Movement, as many incorrectly believe. It is against liberalism and the liberal order upon which Western societies are founded, and it rejects both equality and neutral principles of constitutional law (these were the backbone of both the abolitionist movement that ended slavery and the Civil Rights Movement). It also rejects legal reasoning and Enlightenment rationalism. This makes Critical Race Theory unreasonable, illiberal, against equality, and anti-American, by definition.

What is Critical Race Theory?

- PragerU Video by James Lindsay
- <https://www.prageru.com/video/what-is-critical-race-theory/>



What is the 1619 Project?

- Posits that the true founding date was 1619 and based on slavery, not 1776.
- Nicole Hannah-Jones author
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- Historically inaccurate

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- The 1619 Project is an effort produced by the *New York Times Magazine*, specifically by Nikole Hannah-Jones among several other contributors. It was published therein in August of 2019, allegedly on the 400th anniversary of the “true” founding of the United States, when the first African slaves (or laborers) were brought to American soil. It was awarded a Pulitzer Prize.
- The 1619 Project therefore posits that the true founding date of the American republic is not 1776, with the signing of the Declaration of Independence, but rather 1619, allegedly when the first African slaves were brought to American soil at the Jamestown Colony. It goes further to posit that, because of this historical incident (supposing it is true and articulated accurately), the United States has always been a nation founded economically (see also, **capitalism**), thus politically (see also, **liberalism**), upon the institution of slavery, which was therefore encoded into the societal DNA of the American republic. That is, the 1619 Project exists to go beyond the claim that racism is America’s “Original Sin” to make the far more extraordinary claim (on very shaky evidence and weak argumentation) that it is, in fact, its genuine foundational principle.

IMPORTANT to learn more about

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Salvos

Memos

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Podcast

Media



What is Action Civics?

“Action Civics” Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

<https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics>



State lawmakers must protect education from activism.

CRT in practice

- CRT is what is driving cancel culture in the schools.
- Those calling out systemic racism are looking to cancel people that don't agree.
- All this activism in the classroom is hurting students academically. The activism is directly taking away time with teachers learning the language, math, arts and sciences.(1)
- Causing division - Think Marx's premise of the oppressors and the oppressed. It was the bourgeois vs. the proletariat.(2) Now it's just pitting woke against non-woke.

Source: (1) <https://video.foxnews.com/v/6250045304001#sp=show-clips>

(2) https://www.theepochtimes.com/parents-organize-to-push-back-against-critical-race-theory_3784489.html

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- How to recognize it. The purveyors will deny it's existence. They are being deceptive. **Language matters.**
- Watch for these words: **equity, culturally-responsive curriculum, anti-racist, racial sensitivity, unconscious or implicit bias, cultural awareness, "Diversity, Inclusion, Equity, Justice", white privilege, whiteness, white supremacy**
- 'Anti-racist' is really 'Woke Racism'.

CRT in practice

- Makes children think of themselves as oppressors or victims.
- April 22, 2021 (VA.) Virginia getting rid of Algebra, Algebra II and Geometry for all students before 11th grade. (Looking through a 'racial lense' first. Take higher end students and bring them down. Lowering the bar.) (1)

CRT in practice

- “Change Agents”: Executive Director of the Ohio Council of Teachers of Mathematics
- Akron Beacon Journal

Yoak also works on those issues through OCTM, whose two main goals right now are to support math teachers and earning, and to promote policies and practices that support equity and inclusiveness in math.

“A very easy one to sight is the traditional history of tracking students and teachers, meaning that there’s the honors level, the general level and the lower level. What we know from loads and loads of evidence and data is that in the honors track we have an overrepresentation of white students and often Asian students; and in the lower tracks we have an overrepresentation of students of color. That is clear, and there’s no way around that,” she said.

However, the data shows that by eliminating tracking and replacing it with a student-focused, equity-centered and reasoning-based math experience, all students improve, Yoak said.

Change Agents: Stow educational consultant aims to bring equity, empowerment to math class


Krista S. Kano, Akron Beacon Journal
Published 4:51 am, 17 Apr 20, 2023

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Growing up in Stow, Kim Yoak loved playing with Tinkertoys, Legos, Connect 4, and Charles and Ladders, but it wasn't until she was older that she recognized what they all had in common: math.

In fact, most of her playthings involved dice, counting, problem-solving or pattern recognition, and through these games she developed confidence in her mathematical abilities.

Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the



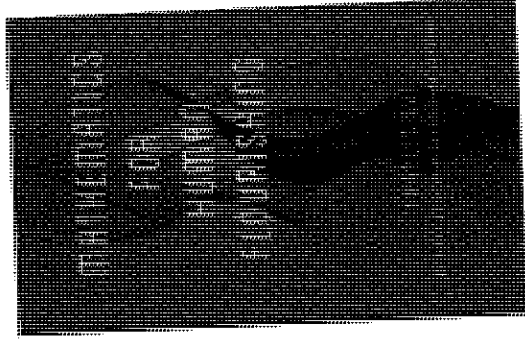
As executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students develop confidence in their mathematical abilities.

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CRT in practice

- Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.
- Review of the book, “Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



CRT in practice

• Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

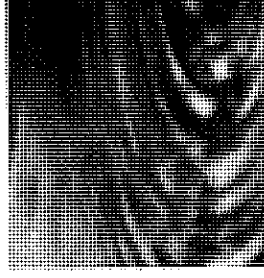
Join Kent State University's aspiring teachers and school leaders on Tuesday, May 11, 2021 for our 5th annual FREE educational community conference. We welcome K-12 students, teachers, staff, school leaders, social workers, guidance counselors, psychologists, families, Board members, community members, activists, organizational leaders, and political representatives to engage with us.

How do you register for this FREE educational conference? Please click on the link below and choose the sessions you want to attend. The last day to register is Sunday, May 9th. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10th.

<https://www.kent.edu/education.com/0a05a80944ADA28A6758-bethetindle>

Highlights
are speaker's.

Invitation was
received
to attend
this event.



Conference Sessions

8:00-9:30 AM	OPENING SESSION: <i>Be the Pebble and Make the Ripples: Meet School Community Members Making Real Changes in School Communities.</i>
9:35-11:00 AM	<i>What Does a Really Mean to be Inclusive?</i>
9:35-11:00 AM	<i>Who is on the Front Line? What You Need to Know About Promoting Equity for Black and Brown Students.</i>
9:35-11:00 AM	<i>What is Equitable Access in Schools? How do We Ensure All Students have Access to Resources to be Successful?</i>
9:35-11:00 AM	<i>"Don't Touch My Hair!": Understanding Culturally Responsive Practices.</i>
11:05-12:30 PM	<i>Where is My Next Meal Coming From? Students, Families, and Food Insecurities and How These Realities Affect Learning.</i>
11:05-12:30 PM	<i>Screaming Out Loud: Be an Advocate for School Community Members Facing Mental Health Challenges.</i>
11:05-12:30 PM	<i>What Does it Mean to Involve and Empower Families in Schools?</i>
12:35-2:00 PM	<i>How to Authentically Serve the LGBTQ School Community.</i>
12:35-2:00 PM	<i>It's the Little Things, Right? The Influence of Implicit Bias.</i>
12:35-2:00 PM	<i>How to Use Music to Motivate Students and Their Learning.</i>
2:05-3:30 PM	CLOSING SESSION: <i>Imposed Silence: Meet School Community Members Who Speak Truth to Power</i>

Timeline at Ohio Board of Education (OBE)

June 2020 - Kohler announcement of resolution she'll bring forward

July 2021 - Complete revision and much more extensive (Contributors: Kohler, Haycock, Dodd, Johnson)

July 14, 2021 Kohler Racist Equity Resolution approved.

Link to Resolution: http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

December, 2020 through May 2021 - **Board president has denied verbal testimony if person is anticipated to speak on CRT or 1619 Project.**

OBE Vote Tally on Kohler's Racist Equity Resolution (#20) July 14, 2020

Yes		No	
Member Type	Member Name	Member Type	Member Name
Appointed	Steve Dackin	Elected	Sarah Fowler Arthur
Elected	Stephanie Dodd	Elected	John Hagan
Elected	Linda Haycock	Elected	Kirsten Hill
Elected	Meryl Johnson	Elected	Charlotte McGuire
Appointed	Laura Kohler	Elected	Lisa Woods
Appointed	Mark LaMoncha	5	
Appointed	Martha Manchester	Abstain	
Elected	Antoinette Miranda	Elected	Jenny Kilgore
Elected	Nick Owens	1	
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson		
12			

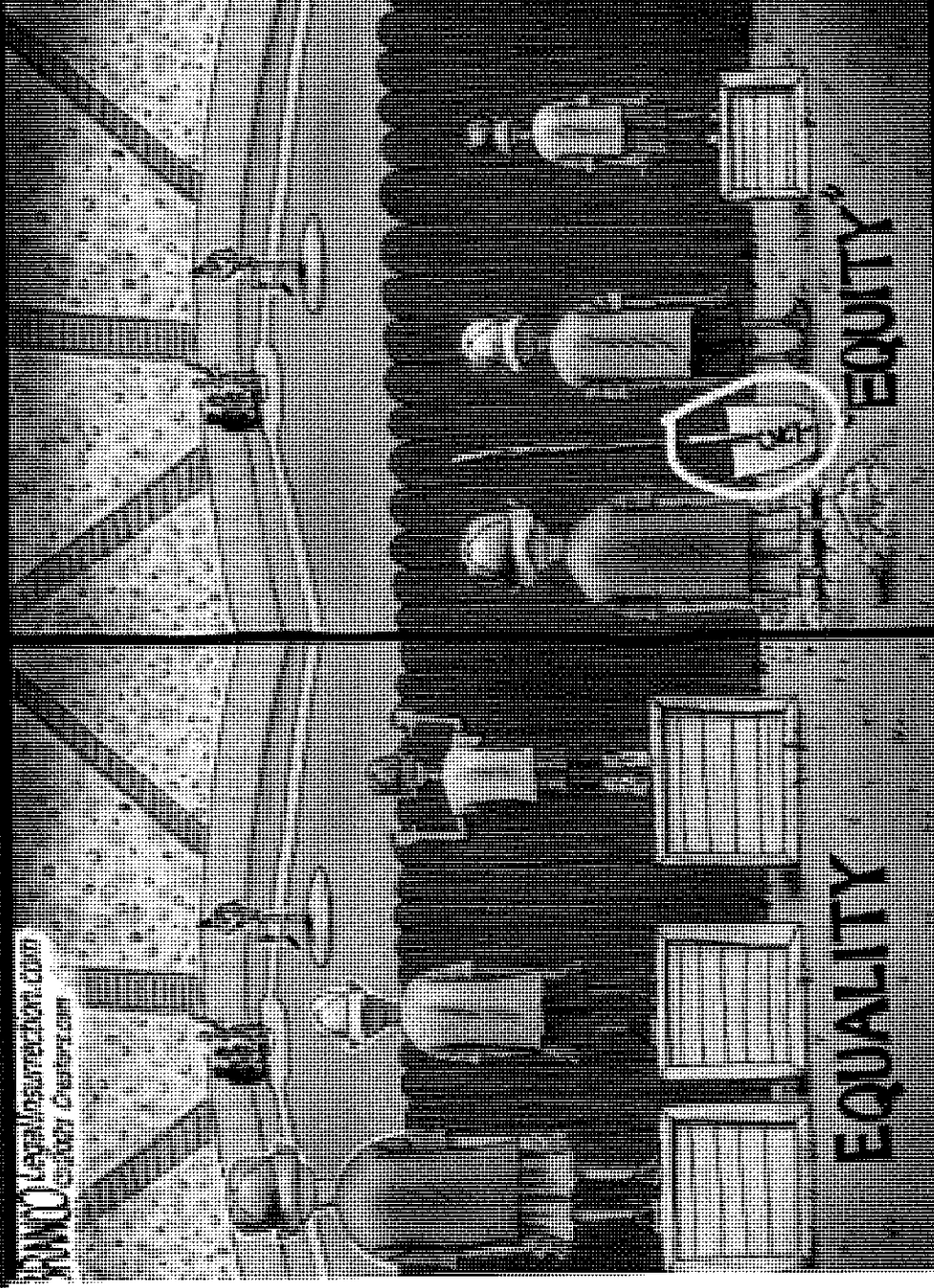
What is in Kohler's Racist Equity Resolution?

Whereas, **Equity** is our plan's
greatest imperative and number
one principle;

... Where equality means that citizen A and citizen B are treated equally, equity means "adjusting shares in order to make citizens A and B equal." In that sense, equity is something like a kind of "social **communism**," if we will—the intentional redistribution of shares, but not necessarily along lines of existing economic disparity but in order to adjust for and correct current and historical **injustices**,...

... the measurement for equity is wholly on assessing the most superficial aspects of outcomes and then ascribing any differences from either demographic parity or parity adjusted upward to "correct" for historical exclusion to systemic bigotry. That is, in practice, an equity approach is almost wholly **unconcerned with the root causes** of disparate outcomes and merely seeks to identify where they occur and then artificially "correct" them, perhaps through preferential hiring, grading, promotion, pay, etc., by eliminating measurements that reveal disparities like standardized testing, by open, secret, or tacit discrimination against "dominant" group members, or even by installing quotas and specific guidelines for how outcomes must come out, **regardless of what leads to them**. In that sense, it is a very impoverished theory that is unlikely to achieve any of its stated goals (and will probably hurt most those it claims to help). ...

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

- implicit bias training for ODE employees and contractors required**
- strongly recommends that all Ohio school districts examine hiring, curriculum & student discipline for internal bias**

How are OBE members promoting?

• Kohler & DeMaria at Cleveland City

Club forum (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)

• League of Women Voters Part 1 (Kohler,

Dodd, Haycock, Johnson) (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

• League of Women Voters Part 2

(DeMaria & superintendents) (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

- **OBE meeting agendas include presentations from local superintendents presenting their equity work.**
- **Dackin, chair of OBE legislative sub-committee, “We will look at everything through an equity lense.” (paraphrased.)**
- **Kohler denial of public comment at OBE meetings based on anticipated topic of member of the public.**

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfhYUfCcTbp3NoDmxKZUAN7xMiVuhqIINBizKz-lh7yPPqTPFgYzmd5NgkEdpVugB6GoZwPWR/pubhtml> **This was posted on the ODE website until taken down in fall, 2020.**
- **Link to 1619 Project is on ODE website. Link:** <http://education.ohio.gov/Topics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>
- **DeMaria presented to OBE at meeting about new rubric being used to screen the S.S. content posted on ODE website.**
- **Grants are going to local Ohio districts for equity work.**
- **Equity training webinars offered by ODE (April-May, 2021)**

How is ODE implementing?

Paraphrasing of phrasing

- Yano, “Looking at legislation through an **equity** lens.”
- Superintendent DeMaria often points out the **equity** is our highest aspiration as in Strategic Plan “Each **Child** Our **Future**” . We do all our work looking through a diversity, inclusion and equity.

How are local school districts implementing?

- **Gahanna-Jefferson (Licking County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Athens City Schools (Athens County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Northwest Local (Hamilton County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Hilliard City Schools (Franklin County) Part 1** <https://www.youtube.com/watch?v=SACNA11oqVA>

Part 2 https://www.youtube.com/watch?v=Ld7_g-89FFA

- **Beachwood**
- **Rocky River**

How are local school districts implementing?

- **Kings Local Schools (Warren County)**

- <https://www.youtube.com/watch?v=jvzLLOu-fRo>
- <https://www.kingslocal.net/district-resources/cultural-competence%2C-equity-%2B-inclusion-33/>

- **Lakota Local Schools (Butler County)**

- <https://www.youtube.com/watch?v=k7LE71U9n9w>

- **Ohio Department of Education website - local school presentations at Ohio Board of Education meetings Link:**

<http://education.ohio.gov/Topics/Equity-in-Education>

Others assisting with implementing CRT?

- **Ohio School Board Association** - <https://www.ohioschoolboards.org/diversity-equity-consulting-services>
- **Ohio Council for the Social Studies** - links “The 1619 Project Grant Opportunity” on website. The 1619 Project Education Network (Pullitzer Center) is giving out \$5,000 grants to teachers who apply. Facebook is the lead supporter.

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydM_YUM90mmFo-55l

Teacher Pipeline

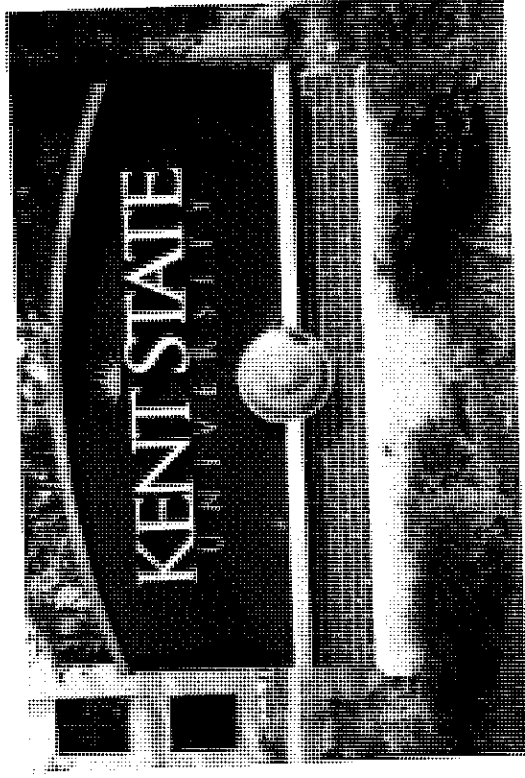
THE COLLEGE FIX

ORIGINAL. STUDENT REPORTED. YOUR DAILY DOSE OF RIGHT-MINDED NEWS AND COMMENTARY FROM ACROSS THE NATION.

HIGHER EDUCATION RACIAL ISSUES

Kent State establishes 'Anti-Racism and Equity Institute' to become an 'exemplar in race scholarship'

ESTHER WERMER - BOYCE COLLEGE • MARCH 26, 2021

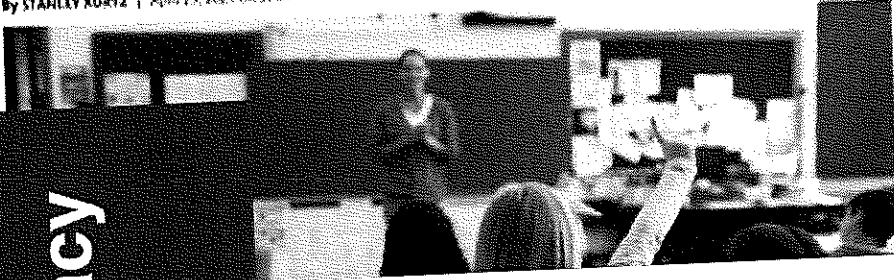


THE CORNER

EDUCATION

How to Keep CRT and Action Civics Out of K-12

By STANLEY KURTZ | April 29, 2021 8:03 AM



How is Federal government implementing?

Kurtz's explains "Civics Secures Democracy Act" - \$6 billion in grants by U.S. DOE



Responses (in Ohio)

- **Testimony at OBE meetings September, October & November**

September testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/September%2021-22-2020/Public%20Participation/>

October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

November testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/November-2020/Public%20Participation/>

- **ODE quietly removed the Anti-Racist, Allyship Starter Pack (teacher material list) from ODE website but will not remove 1619 Project.**

Responses (nat'l)

- 1619 Project debunked by Peter Wood's book, **1620**



1620

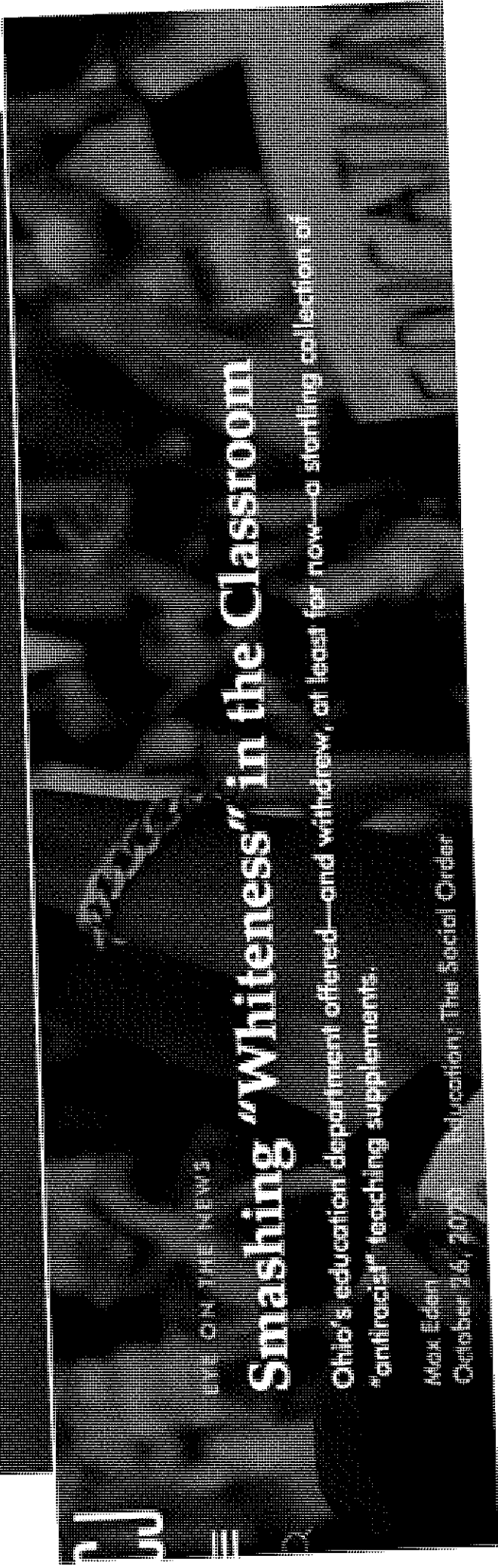
*A Critical Response
to the 1619 Project*

PETER W. WOOD

Responses

- Review of **1620** by Phil Magness, senior research fellow, American Institute for Economic Research.
- Peter Wood's survey of the landscape of scholarly criticism has provided a valuable service, both in assessing the heated historical debates around the 1619 Project and by offering readers an accessible roadmap with which to navigate its many controversies. Unfortunately, the New York Times has thus far conspicuously avoided the most salient criticism of its work. This helpful guide masterfully curates the scholarly scrutiny that the newspaper evaded and ignored, equipping the reader to approach the 1619 Project with a discerning eye for evidence-based history.

Literature



- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

Literature

- **The Diversity Delusion** by Heather MacDonald
- **Crimes of the Educators** by Samuel Blumenthal
and Alex Newman
- **“Action Civics Replaces Citizenship with
Partisanship”** by Stanley Kurtz [https://americanmind.org/memo/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/)
- **”Making Citizens: How American Universities
Teach Civics”** by David Randall [https://www.nas.org/reports/
making-citizens-how-american-universities-teach-civics](https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics)

Literature



STOP CRITICAL RACE
THEORY IN OHIO

- **Extensive list of resources on the Stop Critical Race Theory dot com website - Link: <https://stopcriticalracetheory.com/resources/>**
- **Common Critical Race Theory Vocabulary - Link: <https://kirstenhill.com/2021/05/13/common-vocabulary-of-critical-race-theory/>**

Videos

- **OBE board meetings on The Ohio Channel (2020 - July through Dec.; 2021 - Jan through May)**
- **“What are your kids learning in school?”** <https://www.prageru.com/video/what-are-your-kids-learning-in-school/>

What you can do

(for the U.S.A, for Western Civilization)

- **IMPORTANT**
- **Comment of Federal Register**
- **Take Action** -Comments are being received at the Federal Register website on the latest push to change American History and Civics Education. The proposed rule change is coming out of the Biden U.S. Department of Education. Make comments here by May 19, 2021: <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>. The New York Times 1619 Project and Kendi's book, How to be an Antiracist, are referenced and linked in support of this proposed rule.

What you can do

(for the U.S.A, for Western Civilization)

**• Scan this barcode
to comment on
Federal Education
Rule**



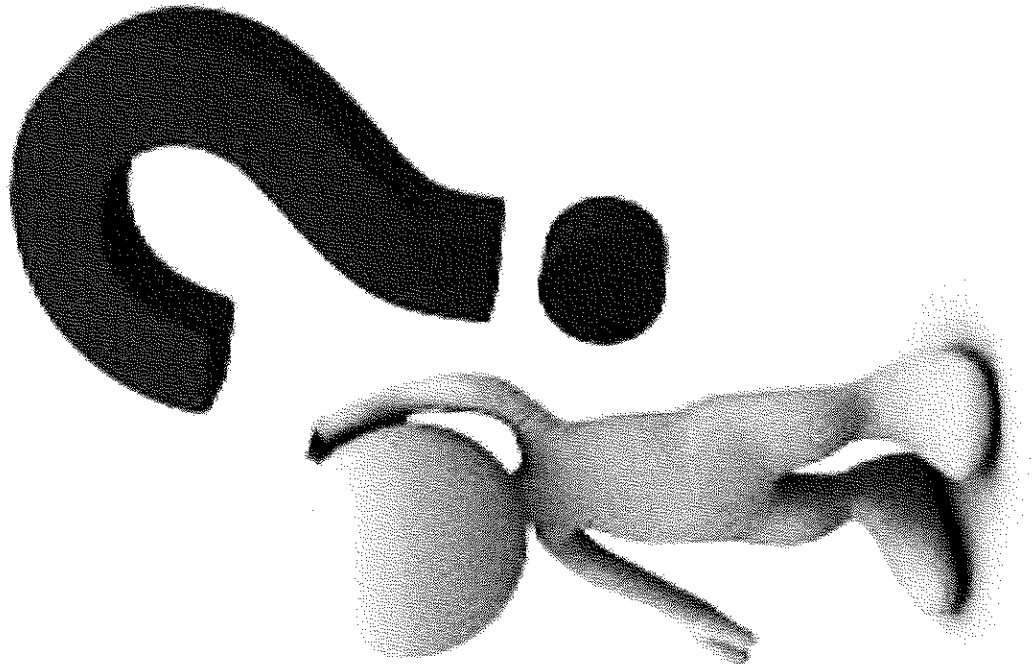
Speaker

**Kara Molfetta, parent,
Lakota Local Schools.**

withlovefrommimi@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: Rep99
Sent: Monday, May 17, 2021 9:44 AM
Subject: CRT Information
Attachments: Woke Racism in School (K. Hill).pdf

Good morning,

As requested in the meeting a few weeks ago with Dr. Jenny Kilgore, Kirsten Hill and Lisa Woods I have attached their presentation with information about Critical Race Theory. There are links to additional resources included within the file.

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

Woke Racism in school:

Brainwashing the children

May 4, 2021

Adolf Hitler ***“He alone, who owns the youth, gains the future.”***

Vladimir Lenin ***“Give me one generation of youth and I’ll transform the whole world.”***

Speakers

- **Kirsten Hill, Current Elected Member, Ohio Board of Education** (Counties: Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood)
- **Lisa Woods, Former Elected Member, Ohio Board of Education** (Counties: Ashland, Medina, Richland, Wayne Parts of Cuyahoga, Holmes, Stark, Summit)
- **Kara Molfetta, Parent, Lakota Local Schools**

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

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Lisa Woods

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Outline

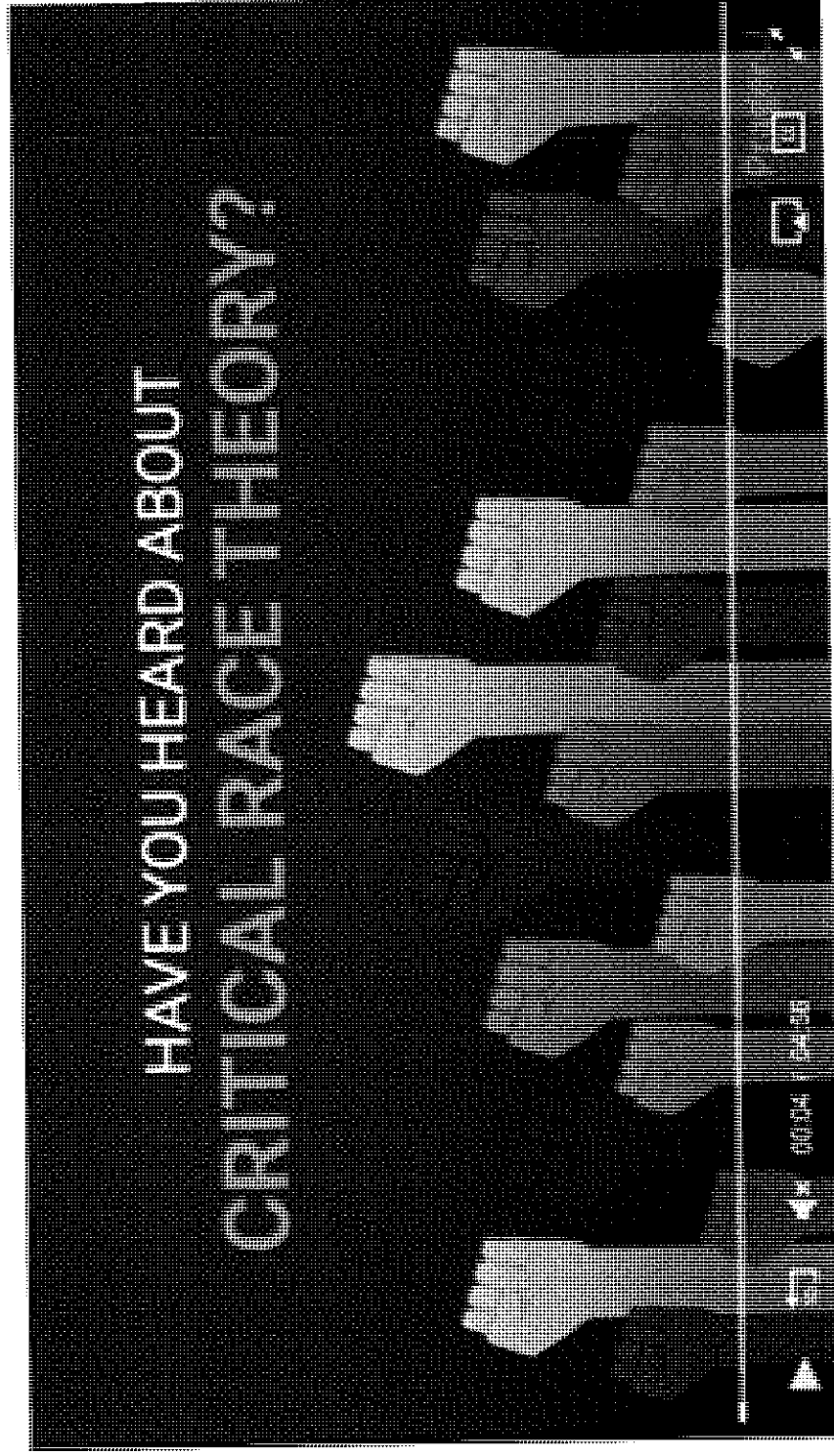
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

What is Critical Race Theory?

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Change Agents: Stow educational consultant aims to bring equity, empowerment to math class


Krista S. Kono Akron Beacon Journal
Published 6:41 a.m. ET Apr. 28, 2021

View Comments

Growing up in Stow, Kim Yoak loved playing with Tinkertoys, Legos, Connect 4, and Chutes and Ladders, but it wasn't until she was older that she recognized what they all had in common: math.

In fact, most of her playthings involved dice, counting, problem-solving or pattern recognition, and through those games she developed confidence in her mathematical abilities.

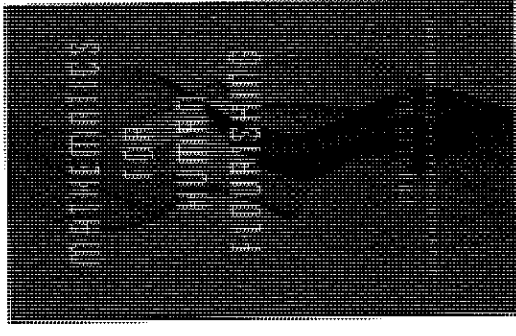
Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the



As executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students develop more confidence in their mathematical abilities.

CRT in practice

- Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.
- Review of the book, ““Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



CRT in practice

- Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

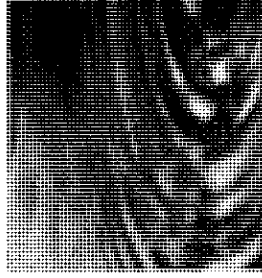
Join Kent State University's aspiring teachers and school leaders on Tuesday, May 11, 2021 for our 5th annual FREE educational community conference. We welcome K-12 students, teachers, staff, school leaders, social workers, guidance counselors, psychologists, families, Board members, community members, activists, organizational leaders, and political representatives to engage with us.

How do you register for this FREE educational conference? Please click on the link below and choose the sessions you want to attend. The last day to register is Sunday, May 9th. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10th.

<https://www.kent.edu/news/050921/4DAE2B46E58-DETHECDDLE>

Highlights
are speaker's.

Invitation was
received
to attend
this event.



Conference Sessions

8:00-9:30 AM **OPENING SESSION:** *Be the Pebble and Make the Ripples: Meet School Community Members Making Real Changes in School Communities.*

9:35-11:00 AM *What Does it Really Mean to be Inclusive?*

9:35-11:00 AM *Who is on the Front Line? What You Need to Know About Promoting Equity for Black and Brown Students.*

9:35-11:00 AM *What is Equitable Access in Schools? How do We Ensure All Students have Access to Resources to be Successful?*

9:35-11:00 AM *"Don't Touch My Hair": Understanding Culturally Responsive Practices.*

11:05-12:30 PM *Where is My Next Meal Coming From? Students, Families, and Food Insecurities and How These Realities Affect Learning.*

11:05-12:30 PM *Screaming Our Loud: Be an Advocate for School Community Members Facing Mental Health Challenges.*

11:05-12:30 PM *What Does it Mean to Involve and Empower Families in Schools?*

12:35-2:00 PM *How to Authentically Serve the LGBTQ School Community.*

12:35-2:00 PM *It's the Little Things, Right? The Influence of Implicit Bias.*

12:35-2:00 PM *How to Use Music to Mournate Students and Their Learning.*

2:05-3:30 PM **CLOSING SESSION:** *Imposed Silence: Meet School Community Members Who Speak Truth to Power*

Timeline at Ohio Board of Education (OBE)

June 2020 - Kohler announcement of resolution she'll bring forward

July 2021 - Complete revision and much more extensive (Contributors: Kohler, Haycock, Dodd, Johnson)

July 14, 2021 Kohler Racist Equity Resolution approved.

Link to Resolution: [http://education.ohio.gov/
getattachment/State-Board/State-Board-Reports-and-
Policies/Equity_Resolution.pdf.aspx?lang=en-US](http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US)

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

December, 2020 through May 2021 - **Board president has denied verbal testimony if person is anticipated to speak on CRT or 1619 Project.**

OBE Vote Tally on Kohler's Racist Equity Resolution (#20) July 14, 2020

Yes		No	
Member Type	Member Name	Member Name	Member Type
Appointed	Steve Dackin	Sarah Fowler Arthur	Elected
Elected	Stephanie Dodd	John Hagan	Elected
Elected	Linda Haycock	Kirsten Hill	Elected
Elected	Meryl Johnson	Charlotte McGuire	Elected
Appointed	Laura Kohler	Lisa Woods	Elected
Appointed	Mark LaMoncha		5
Appointed	Martha Manchester		Abstain
Elected	Antoinette Miranda	Jenny Kilgore	Elected
Elected	Nick Owens		1
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson		
			12

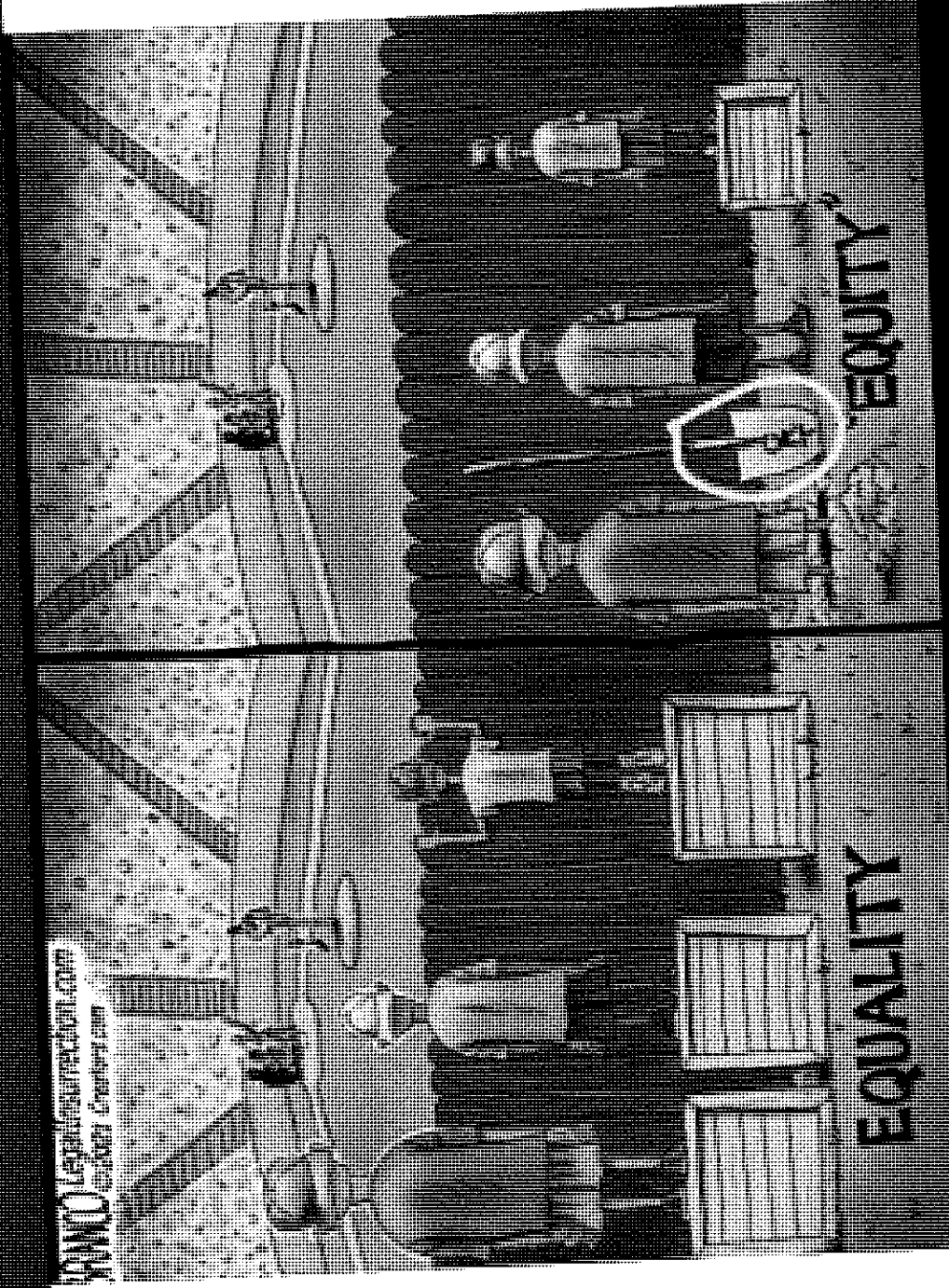
What is in Kohler's Racist Equity Resolution?

Whereas, **Equity** is our plan's greatest imperative and number one principle;

... Where equality means that citizen A and citizen B are treated equally, equity means "adjusting shares in order to make citizens A and B equal." In that sense, equity is something like a kind of "social communism," if we will—the intentional redistribution of shares, but not necessarily along lines of existing economic disparity but in order to adjust for and correct current and historical **injustices**,...

... the measurement for equity is wholly on assessing the most superficial aspects of outcomes and then ascribing any differences from either demographic parity or parity adjusted upward to "correct" for historical exclusion to systemic bigotry. That is, in practice, an equity approach is almost wholly **unconcerned with the root causes** of disparate outcomes and merely seeks to identify where they occur and then artificially "correct" them, perhaps through preferential hiring, grading, promotion, pay, etc., by eliminating measurements that reveal disparities like standardized testing, by open, secret, or tacit discrimination against "dominant" group members, or even by installing quotas and specific guidelines for how outcomes must come out, **regardless of what leads to them**. In that sense, it is a very impoverished theory that is unlikely to achieve any of its stated goals (and will probably hurt most those it claims to help). ...

Equity Depicted



Equity isn't always equal(ity) 4.26.21

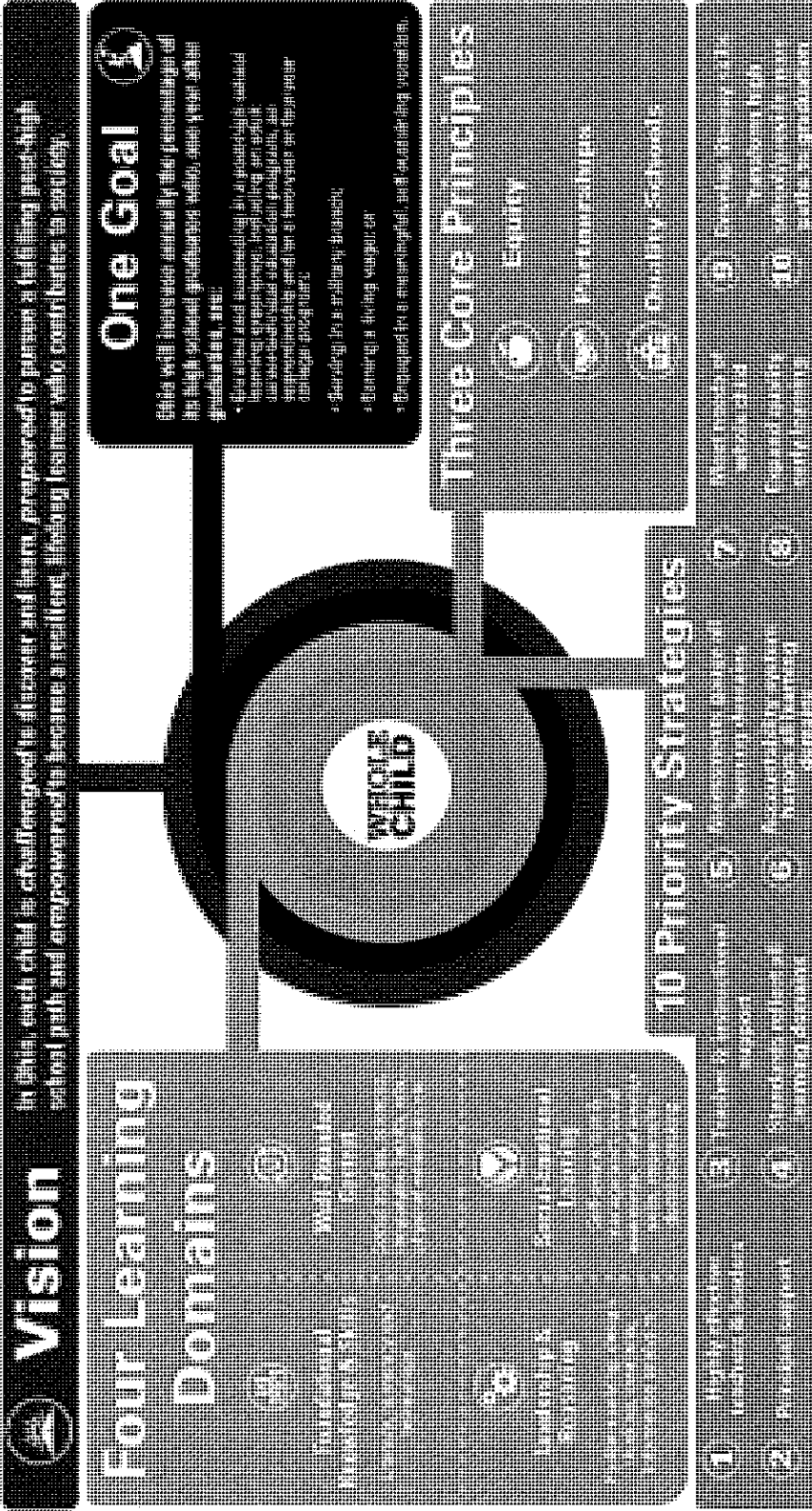
What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

- implicit bias training for ODE employees and contractors required**
- strongly recommends that all Ohio school districts examine hiring, curriculum & student discipline for internal bias**

#EachChildOurFuture

In Ohio, each child is *challenged, prepared and empowered.*



Ohio Strategic Plan For Education: 2019-2024



Each Child Our Future

Ohio | Department of Education

20. RESOLUTION TO CONDEMN RACISM AND TO ADVANCE EQUITY AND OPPORTUNITY FOR BLACK STUDENTS, INDIGENOUS STUDENTS AND STUDENTS OF COLOR

The State Board of Education (the "Board") hereby **ADOPTS** the following Preambles and Resolution:

As our nation grapples with the hard truths of racism and inequality, we are listening with broken hearts and engaging with determined spirits. We acknowledge that Ohio's education system has not been immune to these problems, and while we earnestly strive to correct them, we have a great deal of work left to do.

Whereas the Ohio Strategic Plan for Education: 2019-2024 *Each Child, Our Future*, adopted by a resolution of the State Board of Education in June, 2018 begins with the vision that in Ohio each child is challenged to discover and learn, prepared to pursue a fulfilling post-high school path and empowered to become a resilient, lifelong learner who contributes to society; and

Whereas, Equity is our plan's greatest imperative and number one principle; and

Whereas profound disparities between Black, Indigenous and People of Color (BIPOC) students and their white peers exist in all parts of the Ohio education system; and

Whereas gaps between test performance of Black, Indigenous and People of Color (BIPOC) students and their white peers have been observed since Ohio began disaggregating the data; and

Whereas progress to close these gaps has been uneven and unsatisfactory; and

Whereas a culturally responsive curriculum reflects the history and background of all students, and empowers students to value all cultures, not just their own; and

Whereas research has shown that a culturally responsive curriculum can motivate students of color to a higher level of academic achievement and in many cases increase the graduation rate of previously disengaged students; and

Whereas, black male students lag far behind their white counterparts in several measures of educational attainment, including graduation rates, which keeps gainful employment out of reach, and

Whereas starting as early as preschool, black male students are affected disproportionately by suspensions, expulsions and zero-tolerance discipline policies in schools; and

Whereas "separate but equal" is no longer the law of the land, but systemic inequity in education has relegated millions of children of color to under-resourced, struggling schools; and

Whereas significant gaps between the performance of Black students compared to their white peers exist even in generously resourced schools; and

Whereas the State Board of Education believes that public schools are fundamental to our democratic society and we must be dedicated to equity and thoughtful teaching of future citizens that racism, bigotry and hatred have no place; and

Item 20 continued

Whereas, the path to equity begins with a deep understanding of the history of inequalities and inhumanity and how they have come to impact current society; therefore be it

Resolved, that the State Board of Education condemns, in the strongest possible terms, white supremacy, hate speech, hate crimes and violence in the service of hatred. These immoral ideologies and actions deserve no place in our country, state and school system. And be it

Further resolved, that the starting point of our work in racial equity must be reflection and internal examination, whereby the board will look for ways to engage our members in open and courageous conversations on racism, inequity and white privilege; and be it

Further resolved that the State Board of Education shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without unconscious racism; and be it

Further resolved that the State Board of Education shall require training for all state employees and contractors working with the Department of Education to identify their own implicit biases so that they can perform their duties to the citizens of Ohio without unconscious racial bias; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to reexamine Standards and Model Curriculums in Language Arts, Social Studies, Mathematics and Science, making recommendations to the State Board of Education as necessary to eliminate bias and ensure that America's white supremacy, racism and the struggle for equality are accurately addressed; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to examine all state administered tests for racial bias; and be it

Further resolved that the State Board of Education strongly recommends that all Ohio school districts begin a reflection and internal examination of their own involving teachers, parents, students and community to examine curriculum; hiring practices; discipline strategies, suspension and expulsions; classroom resources including text books; and professional development; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to provide support for school districts' reflection and internal examination, including identifying and sharing curricular models and resources; holding sessions to allow districts to share and collaborate on their actions; and to track progress in implementing these changes; and be it

Further resolved, that the State Board of Education will be led by our guiding document Each Child, Our Future and advocate for it as a framework for developing policy and action.

#EachChildOurFuture

In Ohio, each child is *challenged, prepared and empowered*.

Executive Summary

Each Child, Our Future is Ohio's shared plan for ensuring each student is challenged, prepared and empowered for his or her future by way of an excellent prekindergarten through grade 12 (preK-12) education. The plan's purpose: to lift aspirations, create hope and excitement, guide development of state-level education policies and promote high-quality education practices across the state.

Now, more than ever, Ohio's 1.7 million schoolchildren stand to benefit from a strategic plan carefully considered by a diverse group of partners¹ who came to the table ready to identify the most impactful solutions for student success.

The following Ohio-specific trends make a compelling case for why this plan is needed now:

- **Jobs are rapidly changing and require different skill sets.** With the rise of automation and artificial intelligence, nearly half of the state's workers hold jobs that are expected to be automated in the future. For many preK-12 students, securing future jobs will require some type of technical training or education after high school.
- **More diverse student body with nuanced learning needs.** Based on an achievement gap that has been evident in Ohio for more than 15 years, the state's education system is not effectively meeting the needs of specific groups of students, such as African-American, Hispanic, English learners (EL), economically disadvantaged and students with disabilities. Demographic trends point out Ohio's students are becoming more racially and ethnically diverse.
- **Increased student exposure to poverty and social stressors.** More Ohio students are impacted by poverty and other adverse childhood experiences, including the effects of opioid abuse. The percentage of students considered homeless has more than doubled, while the percentage of students in foster care has increased by more than 50 percent. There is no question that issues at home significantly impact a child in the classroom.

Ohio can only reach success by meeting the needs of the whole child. *Each Child, Our Future* is a comprehensive plan to do just that.

As the infographic on the back illustrates, the **whole child** is at the center of this plan. **Three core principles, four learning domains and 10 priority strategies** work together to support the whole child. The state-level vision provides an aspirational guide for students, parents, partners and the education system. **One goal** represents the state's annual target.

Each plan component works harmoniously to support the whole-child approach; however, the **three core principles of equity, partnerships and quality schools** are, perhaps, most critical.

Collectively, these components work together to enable a high-functioning, responsive preK-12 system that ensures each child is challenged to discover and learn, prepared to pursue a fulfilling post-high school path and empowered to become a resilient, lifelong learner who contributes to society.

¹ In total, more than 1,350 Ohioans had a hand in crafting the plan. This includes more than 150 partners who served on workgroups, plus approximately 1,200 Ohio citizens—including parents, caregivers, preK-12 educators, higher education representatives, employers, business leaders, community members, state legislators and, of course, students themselves—who attended 13 regional meetings across the state to review the plan and provide feedback. For a list of specific partners who served on the workgroups, please refer to page 31 in the Appendix.



#EachChildOurFuture

In Ohio, each child is challenged, prepared and empowered.



Vision

In Ohio, each child is challenged to discover and learn, prepared to pursue a fulfilling post-high school path and empowered to become a resilient, lifelong learner who contributes to society.

Four Learning Domains



Foundational Knowledge & Skills

Foundational knowledge and skills are the building blocks of learning. They are the essential skills and knowledge that all students need to succeed in school and in life.



Partnership & Learning

Partnership and learning are essential to the success of our schools. They are the ways in which we work together to create a supportive and effective learning environment for all students.



Well-Being

Well-being is the foundation of a healthy and productive life. It is the state of being free from physical, mental, and social distress, and having a sense of purpose and fulfillment.

One Goal

Ohio will increase annually the percentage of the high school graduates who, one year after graduation, are:

- Enrolled and successfully completing a postsecondary program
- Employed in a career or industry-related field
- Enrolled in a postsecondary program
- Enrolled in an industry-based program

WHOLE CHILD

Three Core Principles



Equity



Partnerships



Quality Schools

10 Priority Strategies

1. Highly effective teachers & leaders
2. Student success learning supports
3. Teacher & instructional support
4. Standard, relevant learning domains
5. Assessment systems learning domains
6. Accountability system learning domains
7. Assessment systems learning domains
8. Accountability system learning domains
9. Quality learning experiences
10. Educators ensure equitable learning



Ohio Strategic Plan For Education: 2019-2024

***Each Child, Our Future* advances
five major SHIFTS in education
policy and practice:**

SHIFT 1—HONORING EACH STUDENT

Ohio recognizes the importance of preparing EACH student for success. Each emphasizes EQUITY and specific needs of individual students.

SHIFT 2—EMPHASIZING OPTIONS

Over the last decade, Ohio largely emphasized college for all. While college is a meaningful path for many students, some benefit from other pathways. Ohio's goal recognizes there are multiple pathways to a successful future.

SHIFT 3—RECOGNIZING TECHNOLOGY

Ohio's plan recognizes that technology is now foundational and just as important as mathematics and English language arts, from which all other learning is built.

**SHIFT 4—ADDRESSING LEADERSHIP,
REASONING AND SOCIAL-EMOTIONAL
LEARNING**

Education previously focused on academic content areas. Assessments and the state's report card focus on English language arts, mathematics, science and social studies. Increasingly, however, reasoning, leadership and social-emotional learning are important for student success.

SHIFT 5—FOCUSING ON SUPPORTS

This plan emphasizes supports and service. To that end, the Ohio Department of Education will be reorganized to better support and serve schools and districts as they work to prepare each child for success after high school.


This site displays a prototype of a "Web 2.0" version of the daily Federal Register. It is not an official legal edition of the Federal Register, and does not replace the official print version or the official electronic version on GPO's govinfo.gov.

The documents posted on this site are XML renditions of published Federal Register documents. Each document posted on the site includes a link to the corresponding official PDF file on govinfo.gov. This prototype edition of the daily Federal Register on FederalRegister.gov will remain an unofficial informational resource until the Administrative Committee of the Federal Register (ACFR) issues a regulation granting it official legal status. For complete information about, and access to, our official publications and services, go to About the Federal Register on NARA's archives.gov.

The OFR/GPO partnership is committed to presenting accurate and reliable regulatory information on FederalRegister.gov with the objective of establishing the XML-based Federal Register as an ACFR-sanctioned publication in the future. While every effort has been made to ensure that the material on FederalRegister.gov is accurately displayed, consistent with the official SGML-based PDF version on govinfo.gov, those relying on it for legal research should verify their results against an official edition of the Federal Register. Until the ACFR grants it official status, the XML rendition of the daily Federal Register on FederalRegister.gov does not provide legal notice to the public or judicial notice to the courts.

Proposed Priorities-American History and Civics Education

A Proposed Rule by the Education Department on 04/19/2021

 This document has a comment period that ends in 1 day. (05/19/2021)

[Read the 22475 public comments](#) 

DOCUMENT DETAILS

Printed version:

PDF (<https://www.govinfo.gov/content/pkg/FR-2021-04-19/pdf/2021-08068.pdf>)

Publication Date:

04/19/2021 (/documents/2021/04/19)

Agency:

Department of Education (<https://www.federalregister.gov/agencies/education-department>)

Dates:

We must receive your comments on or before May 19, 2021.

Comments Close:

05/19/2021

Document Type:

Proposed Rule

Document Citation:

86 FR 20348

Page:

20348-20351 (4 pages)

CFR:

34 CFR chapter undef

Agency/Docket Number:

Docket ID ED-2021-OESE-0033

Document Number:

2021-08068

[Feedback](#)

DOCUMENT STATISTICS

Page views:

57,133

as of 05/18/2021 at 10:15 am EDT

DOCUMENT STATISTICS

ENHANCED CONTENT



Docket Number:

ED-2021-OESE-0033 (<https://beta.regulations.gov/docket/ED-2021-OESE-0033>)

Supporting/Related Materials:

Proposed Priorities: American History and Civics Education (<https://www.regulations.gov/document?D=ED-2021-OESE-0033-0001>)

ENHANCED CONTENT

PUBLISHED DOCUMENT

AGENCY:

Office of Elementary and Secondary Education, Department of Education.

ACTION:

Proposed priorities.

SUMMARY:

The Department of Education (Department) proposes two priorities for the American History and Civics Education programs, including the Presidential and Congressional Academies for American History and Civics (Academies) and National Activities programs, Assistance Listing Numbers 84.422A and 84.422B. We may use these priorities for competitions in fiscal year (FY) 2021 and later years. We propose these priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under these programs.

DATES:

We must receive your comments on or before May 19, 2021.

ADDRESSES:

Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to www.regulations.gov (<http://www.regulations.gov>) to submit your comments electronically. Information on using *Regulations.gov*, including instructions for

accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priorities, address them to Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov (<http://www.regulations.gov>). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202. Telephone: (202) 205-0147. Email: mia.howerton@ed.gov (<mailto:mia.howerton@ed.gov>).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding the proposed priorities. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to clearly identify the specific section of the proposed priorities that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about the proposed priorities by accessing *Regulations.gov*. Due to the novel coronavirus 2019 (COVID-19) pandemic, the Department buildings are currently not open to the public. However, upon reopening you may also inspect the comments in person in Room 3C152, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priorities. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Start Printed
Page 20349

Purpose of Programs: The American History and Civics Education programs support efforts to improve: (1) The quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and (2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

The Academies program supports the establishment of: (1) Presidential Academies for the Teaching of American History and Civics that offer workshops for both veteran and new teachers to strengthen their knowledge of American history, civics, and government education (Presidential Academies); and (2) Congressional Academies for Students of American History and Civics that provide high school students opportunities to enrich their understanding of these subjects (Congressional Academies).

The purpose of the National Activities program is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

Program Authority: Title II, part B, subpart 3 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6662 (<https://www.govinfo.gov/link/uscode/20/6662?type=usc&year=mostrecent&link-type=html>) and 6663.

Proposed Priorities: The Department proposes two priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under the American History and Civics Education programs.

Proposed Priority 1—Projects That Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning.

Background: The Department recognizes that COVID-19—with its disproportionate impact on communities of color—and the ongoing national reckoning with systemic racism have highlighted the urgency of improving racial equity throughout our society, including in our education system. As Executive Order 13985 (/executive-order/13985) states: “Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.”^[1]

American History and Civics Education programs can play an important role in this critical effort by supporting teaching and learning that reflects the breadth and depth of our Nation’s diverse history and the vital role of diversity in our Nation’s democracy. For example, there is growing acknowledgement of the importance of including, in the teaching and learning of our country’s history, both the consequences of slavery, and the significant contributions of Black Americans to our society. This acknowledgement is reflected, for example, in the New York Times’ landmark “1619 Project” and in the resources of the Smithsonian’s National Museum of African American History.^[2]

Accordingly, schools across the country are working to incorporate anti-racist practices into teaching and learning. As the scholar Ibram X. Kendi has expressed, “[a]n antiracist idea is any idea that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group. Antiracist ideas argue that racist policies are the cause of racial inequities.”^[3] It is critical that the teaching of American history and civics creates learning experiences that validate and reflect the diversity, identities, histories, contributions, and experiences of all students.

In turn, racially, ethnically, culturally, and linguistically responsive teaching and learning practices contribute to what has been called an “identity-safe” learning environment. According to the authors Dorothy Steele and Becki Cohn-Vargas, “Identity safe classrooms are those in which teachers strive to assure students that their social identities are an asset rather than a barrier to success in the classroom. And, through strong positive relationships and opportunities to learn, they feel they are welcomed, supported, and valued as members of the learning community.” [4]

The proposed priority would support projects that incorporate culturally and linguistically responsive learning environments.

Proposed Priority:

Under this priority, the applicants propose projects that incorporate teaching and learning practices that reflect the diversity, identities, histories, contributions, and experiences of all students create inclusive, supportive, and identity-safe learning environments.

In its application, an applicant addressing this priority must describe how its proposed project incorporates teaching and learning practices that—

- (a) Take into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history;
- (b) Incorporate racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities;
- (c) Encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts;
- (d) Support the creation of learning environments that validate and reflect the diversity, identities, and experiences of all students; and
- (e) Contribute to inclusive, supportive, and identity-safe learning environments.

Proposed Priority 2—Promoting Information Literacy Skills.

Background:

Effective civics education is vital to protecting the Nation's democracy—especially at a time when its core institutions and values are threatened by misinformation. As The Power of Active Citizenship notes: “Teaching civics should be more than just understanding the structures and functions of government . . . [It] is crucial that students learn how to gather and evaluate sources of information, and then use evidence from that information to develop and support their ideas and advocacy positions. No polity can make wise decisions if its citizens do not know how to separate □ fact from opinion, and how to gather and weigh relevant evidence.” [5]

Ensuring that students have strong information literacy skills is especially important in an age of digital media consumption. According to a 2019 survey from Common Sense Media and Survey Monkey: “Teens get their news more frequently from social media sites (e.g., Facebook and Twitter) or from YouTube than directly from news organizations. More than half of teens (54%) get news from social media, and 50% get

news from YouTube at least a few times a week. Fewer than half, 41%, get news reported by news organizations in print or online at least a few times a week, and only 37% get news on TV at least a few times a week." Among teens who got their news from YouTube, two-thirds reported learning about the news from celebrities and influencers, rather than news organizations.^[6]

In a 2017 report, the Brookings Institution concluded that, "Funding efforts to enhance news literacy should be a high priority for governments. This is especially the case with people who are going online for the first time. For those individuals, it is hard to distinguish false from real news, and they need to learn how to evaluate news sources, not accept at face value everything they see on social media or digital news sites. Helping people become better consumers of online information is crucial as the world moves towards digital immersion."^[7]

Civics education can be an opportunity to help students develop the skills necessary to meaningfully participate in our democracy and distinguish fact from misinformation. Well-designed programs can fuel student engagement in our democracy and provide students with the knowledge and skills to critically evaluate the materials they encounter by developing their information literacy.

Proposed Priority:

In its application, the applicants propose projects that describe how they will foster critical thinking and promote student engagement in civics education through professional development or other activities designed to support students in—

- (a) Evaluating sources and evidence using standards of proof;
- (b) Understanding their own biases when reviewing information, as well as uncovering and recognizing bias in primary and secondary sources;
- (c) Synthesizing information into cogent communications; and
- (d) Understanding how inaccurate information may be used to manipulate individuals, and developing strategies to recognize accurate and inaccurate information.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(1)).

Final Priorities:

We will announce the final priorities in a document published in the **Federal Register**. We will determine the final priorities after considering responses to the proposed priorities and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note:

This document does *not* solicit applications. In any year in which we choose to use the priorities, we invite applications through a notice inviting applications in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);
- (2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, (/executive-order/13563) which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 (/executive-order/13563) requires that an agency—

- (1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 (/executive-order/13563) also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these □ techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

□ Start Printed
Page 20351

We are issuing the proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priorities are consistent with the principles in Executive Order 13563 (/executive-order/13563).

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Potential Costs and Benefits

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priorities would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The proposed priorities would help ensure that the American History and Civics Education programs support the development of culturally responsive teaching and learning practices and promote students' acquisition of critical information literacy skills. We believe these benefits would outweigh any associated costs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum “Plain Language in Government Writing” require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priorities easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79 ([/select-citation/2021/04/19/34-CFR-79](#)). One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are institutions of higher education and nonprofit organizations. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priorities would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The proposed priorities contain information collection requirements that are approved by OMB under OMB control number 1894-0006; the proposed priorities do not affect the currently approved data collection.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format

(txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at www.govinfo.gov (<http://www.govinfo.gov>). At this site you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF you must have Adobe Acrobat Reader, which is available free at the site.

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Ruth Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

Footnotes

1. 86 FR 7009 (/citation/86-FR-7009) (Jan. 25, 2021), www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government (<http://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>).
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2. www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html (<http://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>).
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3. Kendi, Ibram X, *How to Be an Antiracist* (New York, One World, 2019).
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4. Steele, Dorothy M., and Becki Cohn-Vargas, *Identify Safe Classrooms* (Thousand Oaks, Corwin, 2013).
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5. https://www.aft.org/ae/summer2018/graham_weingarten (https://www.aft.org/ae/summer2018/graham_weingarten).
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6. <https://www.common sense media.org/about-us/news/press-releases/new-survey-reveals-teens-get-their-news-from-social-media-and-youtube> (<https://www.common sense media.org/about-us/news/press-releases/new-survey-reveals-teens-get-their-news-from-social-media-and-youtube>).
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7. Brookings Institution, 12/18/2017, <https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/> (<https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/>).
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[FR Doc. 2021-08068 (/a/2021-08068) Filed 4-16-21; 8:45 am]



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SOCIAL STUDIES

Biden Administration Cites 1619 Project as Inspiration in History Grant Proposal



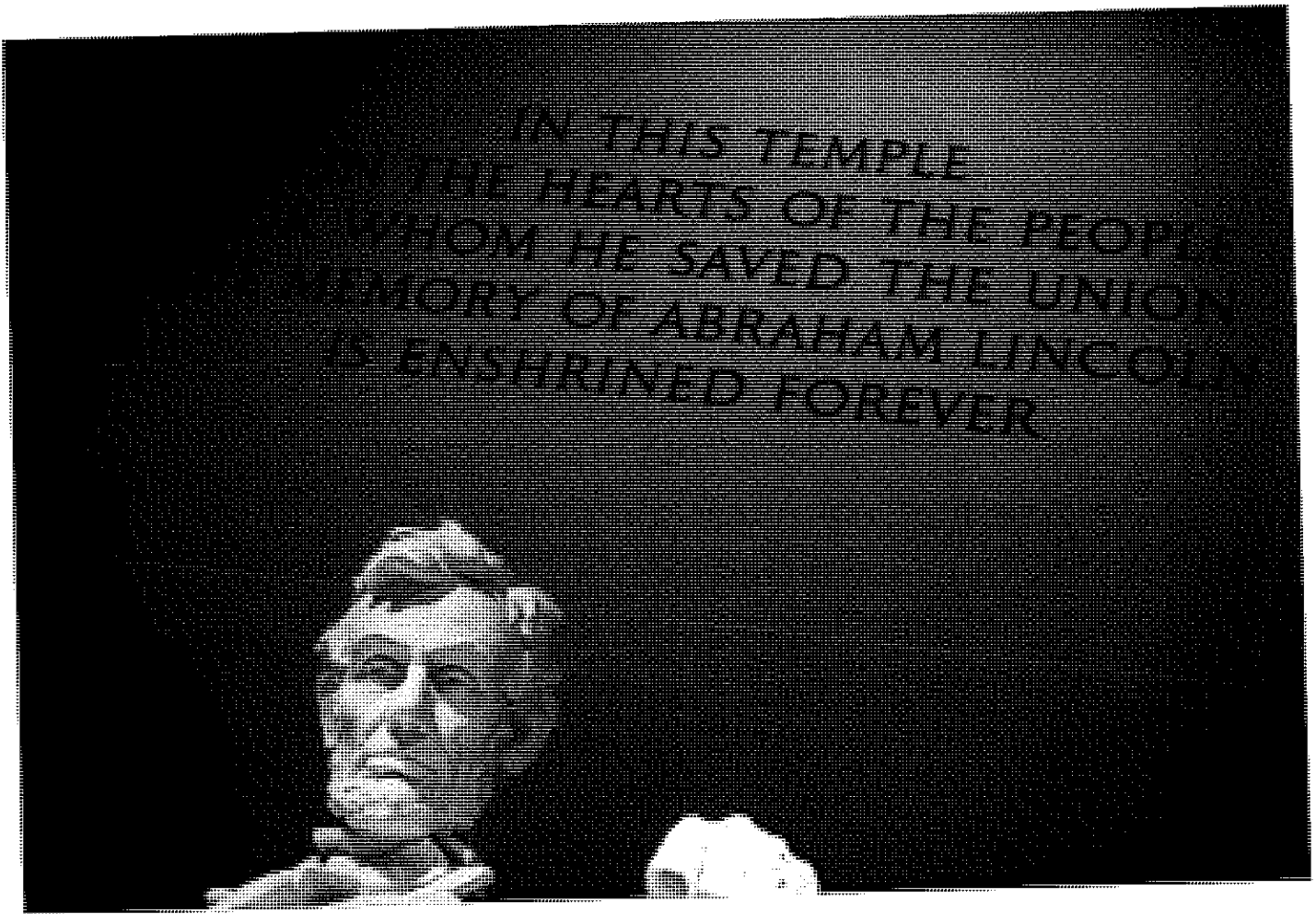
By Andrew Ujifusa — April 19, 2021 | Corrected: May 03, 2021 ⌚ 6 min read

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The statue of President Abraham Lincoln is seen at the Lincoln Memorial on June 4, 2017 in Washington.
— Cliff Owen/AP



Corrected: This article has been corrected to include an accurate reference to the American History and Civics Education Academies program.

The Biden administration wants a grant program for history and civics education to prioritize instruction that accounts for bias, discriminatory policies in America, and the value of diverse student perspectives.

In describing the basis for the new grant priority for American History and Civics Education programs, the administration cites the scholar and anti-racism activist Ibram X. Kendi, as well as the 1619 Project, a New York Times Magazine project that highlights slavery and its legacy as a central element in America's story.

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students,” the April 19 notice in the Federal Register states.

SEE ALSO

OPINION

**Black
History Is
About
More Than
Oppression
(Opinion)**



The department is also proposing to make information literacy a priority for the civics and history grant program.

The proposed grant priorities deal with a very small, longstanding program at the U.S. Department of Education that supports innovative teaching approaches and professional development in the field—altogether, American History and Civics grants receive \$5.3 million in federal funding this fiscal year, out of a roughly \$74 billion budget for the department. And the priorities, if they’re adopted, won’t constitute a sweeping directive of any kind for history and civics teachers. But it’s a high-profile development in a polarized debate over what K-12 students

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American history classes are at the center of a political feud

Disagreements about how or whether educators should address the concepts of systemic racism, inequities in American society, and related issues grew more prominent last year, when President Donald Trump created the 1776 Commission to promote “patriotic education” and to push back on what Trump and his supporters called radical ideas that subverted core American values.

The former president also declared that public schools in general were indoctrinating students with left-wing propaganda that he equated with child abuse. That allegation provoked a swift and strong backlash from history educators, who said that Trump’s attacks, and not what students were being taught, were misleading and flawed. However, some historians have criticized important elements of the 1619 Project.

Republicans’ activity on this front in 2020 wasn’t confined to Trump: Sen. Tom Cotton, R-Ark., introduced a bill last year to prohibit federal money from being used to teach a curriculum based on the 1619 Project created by the Pulitzer Center. (Despite the interest Washington has taken in this topic over the past year, states and local school districts control the content of curriculum, and the U.S. Department of Education is barred from dictating or sanctioning curriculum.)

The 1776 Commission produced a report shortly before President Joe Biden took office that challenged identity politics and largely echoed rhetoric on the subject from Trump and others. Biden scrubbed the 1776 Commission and its report from the White House website shortly after his inauguration. In an executive order, Biden said advancing racial equity would be a top priority for his administration across federal government agencies.

But Biden’s rhetoric and actions aside, the evolving argument about what students learn in history classes has continued this year. And there’s evidence that it’s growing more intense.

Lawmakers in eight states are considering legislation that may restrict teachers’ ability to discuss racism, sexism, and bias in their classrooms. Topics such as fundamental racism in America, inherent oppressiveness of individuals because of their race, and other issues would be off-limits under the proposed bills. In general, these bills would cut back on the teaching of “divisive concepts.”

The movement extends beyond government leaders. In March, Turning Point USA, a pro-Trump student group with chapters in K-12 and higher education, announced that it will develop a history curriculum that would highlight the benefits of free enterprise and push back on what it called left-wing bias in schools. And separately, critics of the 1619 Project and Kendi have recently formed groups like Foundation Against Intolerance and Racism and Parents Defending Education that in general resist what they say is a harmful agenda in education driven by racial identity and division.

The attention and activity concerning this issue isn't confined to one side: In February, for example, the Pulitzer Center announced its a grant program for teachers to implement its curriculum that draws on the 1619 Project.

Proposals would support diverse perspectives

The new federal grant priority would be for "Projects That Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning."

As background for the proposed grant priority, the department cites the 1619 Project's connection to the "growing acknowledgement of the importance of including, in the teaching and learning of our country's history, both the consequences of slavery, and the significant contributions of Black Americans to our society."

And the proposal also says that "schools across the country are working to incorporate anti-racist practices into teaching and learning." It goes on to quote Kendi, the founding director of the Boston University Center for Antiracist Research, as stating that an anti-racist idea "is any idea that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group." It also cites Biden's executive order on advancing racial equity, as well as the idea of "identity-safe" learning environments that stress students' various identities as assets and not barriers to learning.

Under this grant priority, applicants would describe how their proposed project would incorporate teaching and learning practices that:

- "take into account systemic marginalization, biases, inequities, and discriminatory policy and

- “encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts.”
- “support the creation of learning environments that validate and reflect the diversity, identities, and experiences of all students.”
- “contribute to inclusive, supportive, and identity-safe learning environments.”

This grant priority is one of two proposed on April 19 by the Biden administration for American History and Civics grants. A second proposed priority would focus on “Promoting Information Literacy Skills.”

That proposed priority says such skills are crucial, given where many Americans (especially young people) get their news and the threat of misinformation.

Under this priority, applicants for the grants would describe how their proposal would help students evaluate sources and evidence “using standards of proof” and help them understand “their own biases when reviewing information.”

As authorized by federal law, the American History and Civics Education support “academies” for teachers and high school students, as well as “national activities” that focus on civics and government classes for low-income and underserved students.

The public has 30 days to comment on the two grant priorities.



Andrew Ujifusa FOLLOW

Assistant Editor, Education Week

Andrew Ujifusa is an assistant editor who covers national education policy and politics.



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MCostello • a month ago

This is a welcome change, even if largely symbolic -- it's about 10 cents per student, or \$40 per school, for perspective. It's also important to ensure that programs funded by the grants reach students in grades K-8, not just high school, where the 1619 Project is most likely to be used. Educators should look to the Teaching Hard History: American Slavery Frameworks, produced by Learning for Justice for grades K-5 and 6-12, to guide curriculum development across all grades.

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Biden administration offers grants to teach children '1619 Project,' inherent racism central to U.S.



In this Saturday, May 21, 2016, file photo, Nikole Hannah-Jones attends the 75th Annual Peabody Awards Ceremony at Cipriani Wall Street in New York. Proposals in Arkansas, Iowa and Mississippi would prohibit schools from using the New York Times' "1619 ... more >

By James Varney - *The Washington Times* - Wednesday, April 21, 2021

The Biden administration plans to offer grants for U.S. history classes that teach critical race theory and the "1619 Project," a New York Times series that views slavery and the consequences of slavers as the centerpiece of the American narrative.

The grants were proposed this week as part of programs that dispense several million dollars a year to K-12 schools. Critics of the anti-racism ideology and the historical inaccuracies in the 1619 Project warned that the grant program was an administration precursor to cementing the left-wing curriculum in Department of Education policy.

“What’s really happening in the ‘Proposed Priorities’ is an effort to establish funding priorities that will shape the \$1 billion per year Educating for American Democracy (EAD) bill pending in Congress,” said Peter Wood, president of the conservative National Association of Scholars.

SEE ALSO: ‘Demonizing White people for being born’: Headmaster describes school’s anti-racist lessons

The grant program was listed in the Federal Register on Monday as a proposed rule, which is open to comment until May 19. The rule touts the teachings of Ibram X. Kendi, a Black professor and pioneer in critical race theory. The crux of the theory is that White people are complicit in perpetuating systemic racism, regardless of their thoughts or actions. Part of the remedy, according to some proponents of the theory, is an unspecified period of reverse discrimination to smash entrenched White supremacist institutions.

The 1619 Project, which received a Pulitzer Prize, has been scored by Ivy League professors and Pulitzer Prize-winning historians as bogus history because it makes slavery the defining characteristic of the American experience.



In particular, The 1619 Project falsely characterized the American Revolution as driven by a desire to protect slavery in the Colonies, according to an analysis by historian Gordon S. Wood of Brown University.

Other historians challenged the premise that 1619, the year slaves first arrived in the Colonies, marked the “true founding” of America.

The New York Times eventually altered the online version of the 1619 Project without an editor’s note, removing the “true founding” language.

The Department of Education did not respond to phone calls and emails requesting comments on the grants.

People familiar with the grants, which are tied to the Presidential and Congressional Academies for American History and Civics and National Activities programs, said they usually total roughly \$5 million annually.

Experts predicted the Biden administration would attempt to tie the same critical race theory curriculum to other Department of Education initiatives.

“The idea in the Department of Education is to establish a precedent for neo-racist pedagogy in one small program so that the vastly larger program, should it become law, can swim right ahead with 1619 revisionist history and Kendi’s I-hate-America reductionism,” Mr. Wood said.

The ultimate goal is to improve “the quality of teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history,” according to the proposal.

Under the rule, those who incorporate more of Mr. Kendi’s anti-racism concepts and the 1619 Project will be prioritized in the awarding of grants.

The Department of Education said in the rule that these lessons are important now because COVID-19 has had a “disproportionate impact on people of color” and because the U.S. is undergoing a “national reckoning with systemic racism [that] highlighted the urgency of improving racial equity throughout our society, including in our education system.”

Altering education in K-12 schools throughout the U.S. has long been a goal of advocates of critical race theory. In December, Mr. Kendi told an audience at Yale that the goal is “how do we educate those people to challenge and disrupt power and policy? All of that is crucial.”

Critics disagree that the pandemic emergency justifies the curriculum and argue that the coursework does not qualify as an honest intellectual approach to U.S. history.

"What's baked into these priorities are the ideas that America is systemically racist, that Americans are implicitly racist and that anyone who denies these views is spreading 'misinformation,'" Mr. Wood said. "No program that gives the stamp of federal approval to such risible sources deserves the light of day. These 'Proposed Priorities' are an affront to history and civics as they should be taught."

Mr. Biden's move to the left on race-based education is a dramatic departure from his moderate education stances during the 2020 presidential campaign. It suggests a far-left element within the administration is winning the internal debate on education policy, said Christopher Rufo, who has written extensively on critical race theory in education at City Journal and elsewhere.

"President Biden is structuring the Department of Education's programs to incentivize critical race theory in America's public schools," Mr. Rufo said in an interview. "Biden campaigned as a moderate, but this decision would bring a radical and unpopular ideology into the classroom. The federal government should reject the principles of race essentialism, collective guilt and neo-segregation, not encourage them in the public education system."

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Harry Schoger


21 April, 2021

It is the omissions of the educational system that has gotten us in the fix we find ourselves. We have jettisoned US history, government (all levels) and civics in the schools. The worst error is not teaching the Constitution. 1619 is racially biased



sophistry. It totally ignores historical context and is a parochial minority view of world history. If it is adopted it will combine with the sentiments that are already driving us away from the democracy defined in the Constitution toward what I see is a one-party, elitist controlled system in the short run. The Constitution of the US is already more than adequate to oversee a society of diversity. It was the first of its kind on the planet and has served as a model for scores of the 200 or so countries on earth. All the ills of slavery in the original document were eradicated by the conclusion of the Civil War and the amendments it spawned. The Project 1776 educational plan is much more amenable to keeping the democracy afloat. But Bernie's puppet Biden dismissed it out of hand. I'll bet he read it like he did the new Georgia Voting Laws. Come on folks. The tail is wagging the dog. "We the people" are the government. It's time for us to make our voices heard. In the words of Maxine Waters it's time for the parents of this country to get confrontational.

Reply  9 

 1 reply

W

we

21 April, 2021

I wake up each morning and think it can't get any worse. And BOOM it does. Every day more bizarre than the last. Why do they HATE America so badly? Why do they constantly beat the RACE drum when the vast majority of us live peacefully with one another as AMERICANS and do not feel the need for identity politics? Going downhill fast. When will it break?

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 6 replies

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PART A—DEFINITIONS

SEC. 8101. [20 U.S.C. 7801] DEFINITIONS.

Except as otherwise provided, in this Act:

(1) AVERAGE DAILY ATTENDANCE.—

(A) IN GENERAL.—Except as provided otherwise by State law or this paragraph, the term "average daily attendance" means—

- (i) the aggregate number of days of attendance of all students during a school year; divided by
- (ii) the number of days school is in session during that year.

(B) CONVERSION.—The Secretary shall permit the conversion of average daily membership (or other similar data) to average daily attendance for local educational agencies in States that provide State aid to local educational agencies on the basis of average daily membership (or other similar data).

(C) SPECIAL RULE.—If the local educational agency in which a child resides makes a tuition or other payment for the free public education of the child in a school located in another school district, the Secretary shall, for the purpose of this Act—

- (i) consider the child to be in attendance at a school of the agency making the payment; and
- (ii) not consider the child to be in attendance at a school of the agency receiving the payment.

(D) CHILDREN WITH DISABILITIES.—If a local educational agency makes a tuition payment to a private school or to a public school of another local educational agency for a child with a disability, as defined in section 602 of the Individuals with Disabilities Education Act, the Secretary shall, for the purpose of this Act, consider the child to be in attendance at a school of the agency making the payment.

(2) AVERAGE PER-PUPIL EXPENDITURE.—The term "average per-pupil expenditure" means, in the case of a State or of the United States—

(A) without regard to the source of funds—

- (i) the aggregate current expenditures, during the third fiscal year preceding the fiscal year for which the determination is made (or, if satisfactory data for that year are not available, during the most recent preceding fiscal year for which satisfactory data are available) of all local educational agencies in the

State or, in the case of the United States, for all States (which, for the purpose of this paragraph, means the 50 States and the District of Columbia); plus

(ii) any direct current expenditures by the State for the operation of those agencies; divided by
(B) the aggregate number of children in average daily attendance to whom those agencies provided free public education during that preceding year.

(3) CHILD.—The term "child" means any person within the age limits for which the State provides free public education.

(4) CHILD WITH A DISABILITY.—The term "child with a disability" has the same meaning given that term in section 602 of the Individuals with Disabilities Education Act.

(5) COMMUNITY-BASED ORGANIZATION.—The term "community-based organization" means a public or private nonprofit organization of demonstrated effectiveness that—

(A) is representative of a community or significant segments of a community; and

(B) provides educational or related services to individuals in the community.

(6) CONSOLIDATED LOCAL APPLICATION.—The term "consolidated local application" means an application submitted by a local educational agency pursuant to section 8305.

(7) CONSOLIDATED LOCAL PLAN.—The term "consolidated local plan" means a plan submitted by a local educational agency pursuant to section 8305.

(8) CONSOLIDATED STATE APPLICATION.—The term "consolidated State application" means an application submitted by a State educational agency pursuant to section 8302.

(9) CONSOLIDATED STATE PLAN.—The term "consolidated State plan" means a plan submitted by a State educational agency pursuant to section 8302.

(10) COUNTY.—The term "county" means one of the divisions of a State used by the Secretary of Commerce in compiling and reporting data regarding counties.

(11) COVERED PROGRAM.—The term "covered program" means each of the programs authorized by—

(A) part A of title I;

(B) part C of title I;

(C) part D of title I;

(D) part A of title II;

(E) part A of title III;

(F) part A of title IV;

(G) part B of title IV; and

(H) subpart 2 of part B of title V.

(12) CURRENT EXPENDITURES.—The term "current expenditures" means expenditures for free public education

(A) including expenditures for administration, instruction, attendance and health services, pupil transportation services, operation and maintenance of plant, fixed charges, and net expenditures to cover deficits for food services and student body activities; but

(B) not including expenditures for community services, capital outlay, and debt service, or any expenditures made from funds received under title I.

(13) DEPARTMENT.—The term "Department" means the Department of Education.

(14) DISTANCE LEARNING.—The term "distance learning" means the transmission of educational or instructional programming to geographically dispersed individuals and groups via telecommunications.

(15) DUAL OR CONCURRENT ENROLLMENT PROGRAM.—The term "dual or concurrent enrollment program" means a program offered by a partnership between at least one institution of higher education and at least one local educational agency through which a secondary school student who has not graduated from high school with a regular high school diploma is able to enroll in one or more postsecondary courses and earn postsecondary credit that—

(A) is transferable to the institutions of higher education in the partnership; and

(B) applies toward completion of a degree or recognized educational credential as described in the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(16) EARLY CHILDHOOD EDUCATION PROGRAM.—The term "early childhood education program" has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(17) EARLY COLLEGE HIGH SCHOOL.—The term "early college high school" means a partnership between at least one local educational agency and at least one institution of higher education that allows participants to simultaneously complete requirements toward earning a regular high school diploma and earn not less than 12 credits that are transferable to the institutions of higher education in the partnership as part of an organized course of study toward a postsecondary degree or credential at no cost to the participant or participant's family.

(18) EDUCATIONAL SERVICE AGENCY.—The term "educational service agency" means a regional public multiservice agency authorized by State statute to develop, manage, and provide services or programs to local educational agencies.

(19) ELEMENTARY SCHOOL.—The term "elementary school" means a nonprofit institutional day or residential school, including a public elementary charter school, that provides elementary education, as determined under State law.

(20) ENGLISH LEARNER.—The term "English learner", when used with respect to an individual, means an individual—

(A) who is aged 3 through 21;

(B) who is enrolled or preparing to enroll in an elementary school or secondary school;

(C)(i) who was not born in the United States or whose native language is a language other than English;

(ii)(I) who is a Native American or Alaska Native, or a native resident of the outlying areas; and

(II) who comes from an environment where a language other than English has had a significant impact on the individual's level of English language proficiency; or

(iii) who is migratory, whose native language is a language other than English, and who comes from an environment where a language other than English is dominant; and

(D) whose difficulties in speaking, reading, writing, or understanding the English language may be sufficient to deny the individual—

(i) the ability to meet the challenging State academic standards;

(ii) the ability to successfully achieve in classrooms where the language of instruction is English; or

(iii) the opportunity to participate fully in society.

(21) EVIDENCE-BASED.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the term "evidence-based", when used with respect to a State, local educational agency, or school activity, means an activity, strategy, or intervention that—

(i) demonstrates a statistically significant effect on improving student outcomes or other relevant outcomes based on—

(I) strong evidence from at least 1 well-designed and well-implemented experimental study;

(II) moderate evidence from at least 1 well-designed and well-implemented quasi-experimental study; or

(III) promising evidence from at least 1 well-designed and well-implemented correlational study with statistical controls for selection bias; or (ii)(I) demonstrates a rationale based on high-quality research findings or positive evaluation that such activity, strategy, or intervention is likely to improve student outcomes or other relevant outcomes; and

(ii) includes ongoing efforts to examine the effects of such activity, strategy, or intervention.

(B) DEFINITION FOR SPECIFIC ACTIVITIES FUNDED UNDER THIS ACT.—When used with respect to interventions or improvement activities or strategies funded under section 1003, the term "evidence-based" means a State, local educational agency, or school activity, strategy, or intervention that meets the requirements of subclause (I), (II), or (III) of subparagraph (A)(i).

(22) EXPANDED LEARNING TIME.—The term "expanded learning time" means using a longer school day, week, or year schedule to significantly increase the total number of school hours, in order to include additional time for—

- (A) activities and instruction for enrichment as part of a well-rounded education; and
- (B) instructional and support staff to collaborate, plan, and engage in professional development (including professional development on family and community engagement) within and across grades and subjects.

(23) EXTENDED-YEAR ADJUSTED COHORT GRADUATION RATE.—

(A) IN GENERAL.—The term "extended-year adjusted cohort graduation rate" means the fraction—

(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics under section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

(ii) the numerator of which—

(I) consists of the sum of—

(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(AA) one or more additional years beyond the fourth year of high school; or

(BB) a summer session immediately following the additional year of high school; and

(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

(AA) standards-based;

(BB) aligned with the State requirements for the regular high school diploma; and

(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)); and

(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

(C) TRANSFERRED OUT.—For purposes of this paragraph, the term "transferred out" has the meaning given the term in clauses (i), (ii), and (iii) of paragraph (25)(C).

(D) SPECIAL RULES.—

(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the extended year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4 year period of less than 100 students for the purposes of section 1111(c)(4) by

—
(I) averaging the extended-year adjusted cohort graduation rate of the school over a period of three years; or

(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.

(24) FAMILY LITERACY SERVICES.—The term "family literacy services" means services provided to participants on a voluntary basis that are of sufficient intensity in terms of hours, and of sufficient duration, to make sustainable changes in a family, and that integrate all of the following activities:

(A) Interactive literacy activities between parents and their children.

(B) Training for parents regarding how to be the primary teacher for their children and full partners in the education of their children.

(C) Parent literacy training that leads to economic self-sufficiency.

(D) An age-appropriate education to prepare children for success in school and life experiences.

(25) FOUR-YEAR ADJUSTED COHORT GRADUATION RATE.—

(A) IN GENERAL.—The term "four-year adjusted cohort graduation rate" means the fraction—

(i) the denominator of which consists of the number of students who form the original cohort of entering first-time students in grade 9 enrolled in the high school no later than the date by which student membership data is collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543), adjusted by—

(I) adding the students who joined that cohort, after the date of the determination of the original cohort; and

(II) subtracting only those students who left that cohort, after the date of the determination of the original cohort, as described in subparagraph (B); and

(ii) the numerator of which—

(I) consists of the sum of—

(aa) the number of students in the cohort, as adjusted under clause (i), who earned a regular high school diploma before, during, or at the conclusion of—

(AA) the fourth year of high school;

or

(BB) a summer session immediately following the fourth year of high school; and

(bb) all students with the most significant cognitive disabilities in the cohort, as adjusted under clause (i), assessed using the alternate assessment aligned to alternate academic achievement standards under section 1111(b)(2)(D) and awarded a State-defined alternate diploma that is—

(AA) standards-based;

(BB) aligned with the State requirements for the regular high school diploma; and

(CC) obtained within the time period for which the State ensures the availability of a free appropriate public education under section 612(a)(1) of the Individuals with Disabilities Education Act (20 U.S.C. 1412(a)(1)); and

(II) shall not include any student awarded a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(B) COHORT REMOVAL.—To remove a student from a cohort, a school or local educational agency shall require documentation, or obtain documentation from the State educational agency, to confirm that the student has transferred out, emigrated to another country, or transferred to a prison or juvenile facility, or is deceased.

(C) TRANSFERRED OUT.—

(i) IN GENERAL.—For purposes of this paragraph, the term "transferred out" means that a student, as confirmed by the high school or local educational agency in accordance with clause (ii), has transferred to—

(I) another school from which the student is expected to receive a regular high school diploma; or

(II) another educational program from which the student is expected to receive a regular high school diploma or an alternate diploma that meets the requirements of subparagraph (A)(ii)(I) (bb).

(ii) CONFIRMATION REQUIREMENTS.—

(I) DOCUMENTATION REQUIRED.—The confirmation of a student's transfer to another school or educational program described in clause (i) requires documentation of such transfer from the receiving school or program in which the student enrolled.

(II) LACK OF CONFIRMATION.—A student who was enrolled in a high school, but for whom there is no confirmation of the student having transferred out, shall remain in the adjusted cohort.

(iii) PROGRAMS NOT PROVIDING CREDIT.—Except as provided in subparagraph (A)(ii)(I)(bb), a student who is retained in grade or who is enrolled in a program leading to a general equivalency diploma, or other alternative educational program that does not issue or provide credit toward the issuance of a regular high school diploma, shall not be considered transferred out and shall remain in the adjusted cohort.

(D) SPECIAL RULES.—

(i) SCHOOLS STARTING AFTER GRADE 9.—For those high schools that start after grade 9, the original cohort shall be calculated for the earliest high school grade students attend no later than the date by which student membership data must be collected annually by State educational agencies for submission to the National Center for Education Statistics pursuant to section 153 of the Education Sciences Reform Act of 2002 (20 U.S.C. 9543).

(ii) VERY SMALL SCHOOLS.—A State educational agency may calculate the four-year adjusted cohort graduation rate described under this paragraph for a high school with an average enrollment over a 4-year period of less than 100 students for the purposes of section 1111(c)(4) by

—

(I) averaging the four-year adjusted cohort graduation rate of the school over a period of three years; or

(II) establishing a minimum number of students that must be included in the cohort described in clause (i) of subparagraph (A) that will provide a valid graduation rate calculation as determined by the Secretary, below which the school shall be exempt from differentiation and identification under such section.

(26) FREE PUBLIC EDUCATION.—The term "free public education" means education that is provided—

(A) at public expense, under public supervision and direction, and without tuition charge; and

(B) as elementary school or secondary school education as determined under applicable State law, except that the term does not include any education provided beyond grade 12.

(27) GIFTED AND TALENTED.—The term "gifted and talented", when used with respect to students, children, or youth, means students, children, or youth who give evidence of high achievement capability in areas such as intellectual, creative, artistic, or leadership capacity, or in specific academic fields, and who need services or activities not ordinarily provided by the school in order to fully develop those capabilities.

(28) HIGH SCHOOL.—The term "high school" means a secondary school that—

(A) grants a diploma, as defined by the State; and

(B) includes, at least, grade 12.

(29) INSTITUTION OF HIGHER EDUCATION.—The term "institution of higher education" has the meaning given that term in section 101(a) of the Higher Education Act of 1965.

(30) LOCAL EDUCATIONAL AGENCY.—

(A) IN GENERAL.—The term "local educational agency" means a public board of education or other public authority legally constituted within a State for either administrative control or direction of, or to perform a service function for, public elementary schools or secondary schools in a city, county, township, school district, or other political

subdivision of a State, or of or for a combination of school districts or counties that is recognized in a State as an administrative agency for its public elementary schools or secondary schools.

(B) ADMINISTRATIVE CONTROL AND DIRECTION.—The term includes any other public institution or agency having administrative control and direction of a public elementary school or secondary school.

(C) BUREAU OF INDIAN EDUCATION SCHOOLS.—The term includes an elementary school or secondary school funded by the Bureau of Indian Education but only to the extent that including the school makes the school eligible for programs for which specific eligibility is not provided to the school in another provision of law and the school does not have a student population that is smaller than the student population of the local educational agency receiving assistance under this Act with the smallest student population, except that the school shall not be subject to the jurisdiction of any State educational agency other than the Bureau of Indian Education.

(D) EDUCATIONAL SERVICE AGENCIES.—The term includes educational service agencies and consortia of those agencies.

(E) STATE EDUCATIONAL AGENCY.—The term includes the State educational agency in a State in which the State educational agency is the sole educational agency for all public schools.

(31) MENTORING.—The term "mentoring", except when used to refer to teacher mentoring, means a process by which a responsible adult, postsecondary student, or secondary school student works with a child to provide a positive role model for the child, to establish a supportive relationship with the child, and to provide the child with academic assistance and exposure to new experiences and examples of opportunity that enhance the ability of the child to become a responsible adult.

(32) MIDDLE GRADES.—The term middle grades means any of grades 5 through 8.

(33) MULTI-TIER SYSTEM OF SUPPORTS.—The term "multitier system of supports" means a comprehensive continuum of evidence-based, systemic practices to support a rapid response to students' needs, with regular observation to facilitate data-based instructional decisionmaking.

(34) NATIVE AMERICAN AND NATIVE AMERICAN LANGUAGE.—The terms "Native American" and "Native American language" have the same meaning given those terms in section 103 of the Native American Languages Act of 1990.

(35) OTHER STAFF.—The term "other staff" means specialized instructional support personnel, librarians, career guidance and counseling personnel, education aides, and other instructional and administrative personnel.

(36)

(A) means American Samoa, the Commonwealth of the Northern Mariana Islands, Guam, and the United States Virgin Islands;

(B) means the Republic of Palau, to the extent permitted under section 105(f)(1)(B)(ix) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2751) and until an agreement for the extension of United States education assistance under the Compact of Free Association becomes effective for the Republic of Palau; and

(C) for the purpose of any discretionary grant program under this Act, includes the Republic of the Marshall Islands and the Federated States of Micronesia, to the extent permitted under section 105(f)

(1)(B)(viii) of the Compact of Free Association Amendments Act of 2003 (Public Law 108-188; 117 Stat. 2751).

(37) PARAPROFESSIONAL.—The term "paraprofessional", also known as a "paraeducator", includes an education assistant and instructional assistant.

(38) PARENT.—The term "parent" includes a legal guardian or other person standing in loco parentis (such as a grandparent or stepparent with whom the child lives, or a person who is legally responsible for the child's welfare).

(39) PARENTAL INVOLVEMENT.—The term "parental involvement" means the participation of parents in regular, two-way, and meaningful communication involving student academic learning and other school activities, including ensuring—

- (A) that parents play an integral role in assisting their child's learning;
- (B) that parents are encouraged to be actively involved in their child's education at school;
- (C) that parents are full partners in their child's education and are included, as appropriate, in decisionmaking and on advisory committees to assist in the education of their child; and
- (D) the carrying out of other activities, such as those described in section 1116.

(40) PAY FOR SUCCESS INITIATIVE.—The term "pay for success initiative" means a performance-based grant, contract, or cooperative agreement awarded by a public entity in which a commitment is made to pay for improved outcomes that result in social benefit and direct cost savings or cost avoidance to the public sector. Such an initiative shall include—

- (A) a feasibility study on the initiative describing how the proposed intervention is based on evidence of effectiveness;
- (B) a rigorous, third-party evaluation that uses experimental or quasi-experimental design or other research methodologies that allow for the strongest possible causal inferences to determine whether the initiative has met its proposed outcomes;
- (C) an annual, publicly available report on the progress of the initiative; and
- (D) a requirement that payments are made to the recipient of a grant, contract, or cooperative agreement only when agreed upon outcomes are achieved, except that the entity may make payments to the third party conducting the evaluation described in subparagraph (B).

(41) POVERTY LINE.—The term "poverty line" means the poverty line (as defined by the Office of Management and Budget and revised annually in accordance with section 673(2) of the Community Services Block Grant Act) applicable to a family of the size involved.

(42) PROFESSIONAL DEVELOPMENT.—The term "professional development" means activities that—

- (A) are an integral part of school and local educational agency strategies for providing educators (including teachers, principals, other school leaders, specialized instructional support personnel, paraprofessionals, and, as applicable, early childhood educators) with the knowledge and skills necessary to enable students to succeed in a well-rounded education and to meet the challenging State academic standards; and

(B) are sustained (not stand-alone, 1-day, or short term workshops), intensive, collaborative, job-embedded, data-driven, and classroom-focused, and may include activities that—

(i) improve and increase teachers'—

- (I) knowledge of the academic subjects the teachers teach;
- (II) understanding of how students learn; and

(iii) ability to analyze student work and achievement from multiple sources, including how to adjust instructional strategies, assessments, and materials based on such analysis;

(ii) are an integral part of broad schoolwide and district-wide educational improvement plans;

(iii) allow personalized plans for each educator to address the educator's specific needs identified in observation or other feedback;

(iv) improve classroom management skills;

- (v) support the recruitment, hiring, and training of effective teachers, including teachers who became certified through State and local alternative routes to certification;
- (vi) advance teacher understanding of—
 - (I) effective instructional strategies that are evidence-based; and
 - (II) strategies for improving student academic achievement or substantially increasing the knowledge and teaching skills of teachers;
- (vii) are aligned with, and directly related to, academic goals of the school or local educational agency;
- (viii) are developed with extensive participation of teachers, principals, other school leaders, parents, representatives of Indian tribes (as applicable), and administrators of schools to be served under this Act;
- (ix) are designed to give teachers of English learners, and other teachers and instructional staff, the knowledge and skills to provide instruction and appropriate language and academic support services to those children, including the appropriate use of curricula and assessments;
- (x) to the extent appropriate, provide training for teachers, principals, and other school leaders in the use of technology (including education about the harms of copyright piracy), so that technology and technology applications are effectively used in the classroom to improve teaching and learning in the curricula and academic subjects in which the teachers teach;
- (xi) as a whole, are regularly evaluated for their impact on increased teacher effectiveness and improved student academic achievement, with the findings of the evaluations used to improve the quality of professional development;
- (xii) are designed to give teachers of children with disabilities or children with developmental delays, and other teachers and instructional staff, the knowledge and skills to provide instruction and academic support services, to those children, including positive behavioral interventions and supports, multi-tier system of supports, and use of accommodations;
- (xiii) include instruction in the use of data and assessments to inform and instruct classroom practice;
- (xiv) include instruction in ways that teachers, principals, other school leaders, specialized instructional support personnel, and school administrators may work more effectively with parents and families;
- (xv) involve the forming of partnerships with institutions of higher education, including, as applicable, Tribal Colleges and Universities as defined in section 316(b) of the Higher Education Act of 1965 (20 U.S.C. 1059c(b)), to establish school-based teacher, principal, and other school leader training programs that provide prospective teachers, novice teachers, principals, and other school leaders with an opportunity to work under the guidance of experienced teachers, principals, other school leaders, and faculty of such institutions;
- (xvi) create programs to enable paraprofessionals (assisting teachers employed by a local educational agency receiving assistance under part A of title I) to obtain the education necessary for those paraprofessionals to become certified and licensed teachers;
- (xvii) provide follow-up training to teachers who have participated in activities described in this paragraph that are designed to ensure that the knowledge and skills learned by the teachers are implemented in the classroom; and
- (xviii) where practicable, provide jointly for school staff and other early childhood education program providers, to address the transition to elementary school, including issues related to school readiness.

(43) REGULAR HIGH SCHOOL DIPLOMA.—The term "regular high school diploma"—

(A) means the standard high school diploma awarded to the preponderance of students in the State that is fully aligned with State standards, or a higher diploma, except that a regular high school

diploma shall not be aligned to the alternate academic achievement standards described in section 1111(b)(1)(E); and

(B) does not include a recognized equivalent of a diploma, such as a general equivalency diploma, certificate of completion, certificate of attendance, or similar lesser credential.

(44) SCHOOL LEADER.—The term "school leader" means a principal, assistant principal, or other individual who is—

(A) an employee or officer of an elementary school or secondary school, local educational agency, or other entity operating an elementary school or secondary school; and

(B) responsible for the daily instructional leadership and managerial operations in the elementary school or secondary school building.

(45) SECONDARY SCHOOL.—The term "secondary school" means a nonprofit institutional day or residential school, including a public secondary charter school, that provides secondary education, as determined under State law, except that the term does not include any education beyond grade 12.

(46) SECRETARY.—The term "Secretary" means the Secretary of Education.

(47) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL; SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—

(A) SPECIALIZED INSTRUCTIONAL SUPPORT PERSONNEL.—The term "specialized instructional support personnel" means—

(i) school counselors, school social workers, and school psychologists; and

(ii) other qualified professional personnel, such as school nurses, speech language pathologists, and school librarians, involved in providing assessment, diagnosis, counseling, educational, therapeutic, and other necessary services (including related services as that term is defined in section 602 of the Individuals with Disabilities Education Act (20 U.S.C. 1401)) as part of a comprehensive program to meet student needs.

(B) SPECIALIZED INSTRUCTIONAL SUPPORT SERVICES.—The term "specialized instructional support services" means the services provided by specialized instructional support personnel.

(48) STATE.—The term "State" means each of the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, and each of the outlying areas.

(49) STATE EDUCATIONAL AGENCY.—The term "State educational agency" means the agency primarily responsible for the State supervision of public elementary schools and secondary schools.

(50) TECHNOLOGY.—The term "technology" means modern information, computer and communication technology products, services, or tools, including, the Internet and other communications networks, computer devices and other computer and communications hardware, software applications, data systems, and other electronic content (including multimedia content) and data storage.

(51) UNIVERSAL DESIGN FOR LEARNING.—The term "universal design for learning" has the meaning given the term in section 103 of the Higher Education Act of 1965 (20 U.S.C. 1003).

(52) WELL-ROUNDED EDUCATION.—The term "well-rounded education" means courses, activities, and programming in subjects such as English, reading or language arts, writing, science, technology, engineering, mathematics, foreign languages, civics and government, economics, arts, history, geography, computer science, music, career and technical education, health, physical education, and any other subject, as determined by the State or local educational agency, with the purpose of providing all students access to an enriched curriculum and educational experience.

SEC. 8102. [20 U.S.C. 7802] APPLICABILITY OF TITLE.

Parts B, C, D, E, and F of this title do not apply to title VII of this Act.

SEC. 8103. [20 U.S.C. 7803] APPLICABILITY TO BUREAU OF INDIAN EDUCATION OPERATED SCHOOLS.

For the purpose of any competitive program under this Act—

- (1) a consortium of schools operated by the Bureau of Indian Education;
- (2) a school operated under a contract or grant with the Bureau of Indian Education in consortium with another contract or grant school or a tribal or community organization; or
- (3) a Bureau of Indian Education school in consortium with an institution of higher education, a contract or grant school, or a tribal or community organization, shall be given the same consideration as a local educational agency.

PART B—FLEXIBILITY IN THE USE OF ADMINISTRATIVE AND OTHER FUNDS

SEC. 8201. [20 U.S.C. 7821] CONSOLIDATION OF STATE ADMINISTRATIVE FUNDS FOR ELEMENTARY AND SECONDARY EDUCATION PROGRAMS.

(a) CONSOLIDATION OF ADMINISTRATIVE FUNDS.—

(1) IN GENERAL.—A State educational agency may consolidate the amounts specifically made available to it for State administration under one or more of the programs under paragraph (2) if the State educational agency can demonstrate that the majority of its resources are derived from non-Federal sources.

(2) APPLICABILITY.—This section applies to any program under this Act under which funds are authorized to be used for administration, and such other programs as the Secretary may designate.

(b) USE OF FUNDS.—

(1) IN GENERAL.—A State educational agency shall use the amount available under this section for the administration of the programs included in the consolidation under subsection (a).

(2) ADDITIONAL USES.—A State educational agency may also use funds available under this section for administrative activities designed to enhance the effective and coordinated use of funds under programs included in the consolidation under subsection (a), such as—

(A) the coordination of those programs with other Federal and non-Federal programs;

(B) the establishment and operation of peer-review mechanisms under this Act;

(C) the administration of this title;

(D) the dissemination of information regarding model programs and practices;

(E) technical assistance under any program under this Act;

(F) State-level activities designed to carry out this

title;

(G) training personnel engaged in audit and other monitoring activities;

(H) implementation of the Cooperative Audit Resolution and Oversight Initiative of the Department;

and

(I) implementation of fiscal support teams that provide technical fiscal support assistance, which shall include evaluating fiscal, administrative, and staffing functions, and any other key operational function.

(c) RECORDS.—A State educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of programs included in the consolidation under subsection (a).

(d) REVIEW.—To determine the effectiveness of State administration under this section, the Secretary may periodically review the performance of State educational agencies in using consolidated administrative funds under this section and take such steps as the Secretary finds appropriate to ensure the effectiveness of that administration.

(e) UNUSED ADMINISTRATIVE FUNDS.—If a State educational agency does not use all of the funds available to the agency under this section for administration, the agency may use those funds during the

applicable period of availability as funds available under one or more programs included in the consolidation under subsection (a).

(f) CONSOLIDATION OF FUNDS FOR STANDARDS AND ASSESSMENT DEVELOPMENT.—In order to develop challenging State academic standards and assessments, a State educational agency may consolidate the amounts described in subsection (a) for those purposes under title I.

SEC. 8202. [20 U.S.C. 7822] SINGLE LOCAL EDUCATIONAL AGENCY STATES.

A State educational agency that also serves as a local educational agency shall, in its applications or plans under this Act, describe how the agency will eliminate duplication in conducting administrative functions.

SEC. 8203. [20 U.S.C. 7823] CONSOLIDATION OF FUNDS FOR LOCAL ADMINISTRATION.

(a) GENERAL AUTHORITY.—In accordance with regulations of the Secretary and for any fiscal year, a local educational agency, with the approval of its State educational agency, may consolidate and use for the administration of one or more programs under this Act (or such other programs as the Secretary shall designate) not more than the percentage, established in each program, of the total available for the local educational agency under those programs.

(b) STATE PROCEDURES.—A State educational agency shall, in collaboration with local educational agencies in the State, establish procedures for responding to requests from local educational agencies to consolidate administrative funds under subsection (a) and for establishing limitations on the amount of funds under those programs that may be used for administration on a consolidated basis.

(c) CONDITIONS.—A local educational agency that consolidates administrative funds under this section for any fiscal year shall not use any other funds under the programs included in the consolidation for administration for that fiscal year.

(d) USES OF ADMINISTRATIVE FUNDS.—

(1) IN GENERAL.—A local educational agency that consolidates administrative funds under this section may use the consolidated funds for the administration of the programs and for uses, at the school district and school levels, comparable to those described in section 8201(b)(2).

(2) FISCAL SUPPORT TEAMS.—A local educational agency that uses funds as described in section 8201(b)(2)(1) may contribute State or local funds to expand the reach of such support without violating any supplement, not supplant requirement of any program contributing administrative funds.

(e) RECORDS.—A local educational agency that consolidates administrative funds under this section shall not be required to keep separate records, by individual program, to account for costs relating to the administration of the programs included in the consolidation.

SEC. 8204. [20 U.S.C. 7824] CONSOLIDATED SET-ASIDE FOR DEPARTMENT OF THE INTERIOR FUNDS.

(a) GENERAL AUTHORITY.—

(1) TRANSFER.—The Secretary shall transfer to the Department of the Interior, as a consolidated amount for covered programs, the Indian education programs under part A of title VI, and the education for homeless children and youth program under subtitle B of title VII of the McKinney-Vento Homeless Assistance Act, the amounts allotted to the Department of the Interior under those programs.

(2) AGREEMENT.—

(A) IN GENERAL.—The Secretary and the Secretary of the Interior shall enter into an agreement, consistent with the requirements of the programs specified in paragraph (1), for the distribution and use of those program funds under terms that the Secretary determines best meet the purposes of those programs.

(B) CONTENTS.—The agreement shall—

(i) set forth the plans of the Secretary of the Interior for the use of the amount transferred and the achievement measures to assess program effectiveness, including program objectives; and

(ii) be developed in consultation with Indian tribes.

(b) ADMINISTRATION.—The Department of the Interior may use not more than 1.5 percent of the funds consolidated under this section for its costs related to the administration of the funds transferred under this section.

(c) ACCOUNTABILITY SYSTEM.—

(1) For the purposes of part A of title I, the Secretary of Interior, in consultation with the Secretary, if the Secretary of the Interior requests the consultation, using a negotiated rulemaking process to develop regulations for implementation no later than the 2017-2018 academic year, shall define the standards, assessments, and accountability system consistent with section 1111, for the schools funded by the Bureau of Indian Education on a national, regional, or tribal basis, as appropriate, taking into account the unique circumstances and needs of such schools and the students served by such schools.

(2) The tribal governing body or school board of a school funded by the Bureau of Indian Affairs may waive, in part or in whole, the requirements established pursuant to paragraph where such requirements are determined by such body or school board to be inappropriate. If such requirements are waived, the tribal governing body or school board shall, within 60 days, submit to the Secretary of Interior a proposal for alternative standards, assessments, and an accountability system, if applicable, consistent with section 1111, that takes into account the unique circumstances and needs of such school or schools and the students served. The Secretary of the Interior and the Secretary shall approve such standards, assessments, and accountability system unless the Secretary determines that the standards, assessments, and accountability system do not meet the requirements of section 1111, taking into account the unique circumstances and needs of such school or schools and the students served.

(3) TECHNICAL ASSISTANCE.—The Secretary of Interior and the Secretary shall, either directly or through a contract, provide technical assistance, upon request, to a tribal governing body or school board of a school funded by the Bureau of Indian Affairs that seeks a waiver under paragraph (2).

SEC. 8205. [20 U.S.C. 7825] DEPARTMENT STAFF.

The Secretary shall—

- (1) not later than 60 days after the date of enactment of the Every Student Succeeds Act, identify the number of Department full-time equivalent employees who worked on or administered each education program or project authorized under this Act, as such program or project was in effect on the day before such date of enactment, and publish such information on the Department's website;
- (2) not later than 60 days after such date of enactment, identify the number of full-time equivalent employees who worked on or administered each program or project authorized under this Act, as such program or project was in effect on the day before such date of enactment, that has been eliminated or consolidated since such date of enactment;
- (3) not later than 1 year after such date of enactment, reduce the workforce of the Department by the number of full-time equivalent employees the Department identified under paragraph (2); and
- (4) not later than 1 year after such date of enactment, report to Congress on—
 - (A) the number of full-time equivalent employees associated with each program or project authorized under this Act and administered by the Department;
 - (B) the number of full-time equivalent employees who were determined to be associated with eliminated or consolidated programs or projects described in paragraph (2);
 - (C) how the Secretary has reduced the number of full-time equivalent employees as described in paragraph (3);
 - (D) the average salary of the full-time equivalent employees described in subparagraph (B) whose positions were eliminated; and

(E) the average salary of the full-time equivalent employees who work on or administer a program or project authorized by the Department under this Act, disaggregated by employee function within each such program or project.

PART C—COORDINATION OF PROGRAMS; CONSOLIDATED STATE AND LOCAL PLANS AND APPLICATIONS

SEC. 8301. [20 U.S.C. 7841] PURPOSES.

The purposes of this part are—

- (1) to improve teaching and learning by encouraging greater cross-program coordination, planning, and service delivery;
- (2) to provide greater flexibility to State and local authorities through consolidated plans, applications, and reporting; and
- (3) to enhance the integration of programs under this Act with State and local programs.

SEC. 8302. [20 U.S.C. 7842] OPTIONAL CONSOLIDATED STATE PLANS OR APPLICATIONS.

(a) **GENERAL AUTHORITY.**—

(1) **SIMPLIFICATION.**—In order to simplify application requirements and reduce the burden for State educational agencies under this Act, the Secretary, in accordance with subsection (b), shall establish procedures and criteria under which, after consultation with the Governor, a State educational agency may submit a consolidated State plan or a consolidated State application meeting the requirements of this section for—

- (A) each of the covered programs in which the State participates; and
- (B) such other programs as the Secretary may designate.

(2) **CONSOLIDATED APPLICATIONS AND PLANS.**—After consultation with the Governor, a State educational agency that submits a consolidated State plan or a consolidated State application under this section shall not be required to submit separate State plans or applications under any of the programs to which the consolidated State plan or consolidated State application under this section applies.

(b) **COLLABORATION.**—

(1) **IN GENERAL.**—In establishing criteria and procedures under this section, the Secretary shall collaborate with State educational agencies and, as appropriate, with other State agencies, local educational agencies, public and private agencies, organizations, and institutions, private schools, and representatives of parents, students, and teachers.

(2) **CONTENTS.**—Through the collaborative process described in paragraph (1), the Secretary shall establish, for each program under this Act to which this section applies, the descriptions, information, assurances, and other material required to be included in a consolidated State plan or consolidated State application.

(3) **NECESSARY MATERIALS.**—The Secretary shall require only descriptions, information, assurances (including assurances of compliance with applicable provisions regarding participation by private school children and teachers), and other materials that are absolutely necessary for the consideration of the consolidated State plan or consolidated State application.

SEC. 8303. [20 U.S.C. 7843] CONSOLIDATED REPORTING.

(a) **IN GENERAL.**—In order to simplify reporting requirements and reduce reporting burdens, the Secretary shall establish procedures and criteria under which a State educational agency, in consultation with the Governor of the State, may submit a consolidated State annual report.

(b) CONTENTS.—The report shall contain information about the programs included in the report, including the performance of the State under those programs, and other matters as the Secretary determines are necessary, such as monitoring activities.

(c) REPLACEMENT.—The report shall replace separate individual annual reports for the programs included in the consolidated State annual report.

SEC. 8304. [20 U.S.C. 7844] GENERAL APPLICABILITY OF STATE EDUCATIONAL AGENCY ASSURANCES.

(a) ASSURANCES.—A State educational agency, in consultation with the Governor of the State, that submits a consolidated State plan or consolidated State application under this Act, whether separately or under section 8302, shall have on file with the Secretary a single set of assurances, applicable to each program for which the plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency, a [27A]

eligible private agency, institution, or organization, or an Indian tribe, if the law authorizing the program provides for assistance to those entities; and

(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer those funds and property to the extent required by the authorizing law;

(3) the State will adopt and use proper methods of administering each such program, including—

(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program;

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation; and

(C) the adoption of written procedures for the receipt and resolution of complaints alleging violations of law in the administration of the programs;

(4) the State will cooperate in carrying out any evaluation of each such program conducted by or for the Secretary or other Federal officials;

(5) the State will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the State under each such program;

(6) the State will—

(A) make reports to the Secretary as may be necessary to enable the Secretary to perform the Secretary's duties under each such program; and

(B) maintain such records, provide such information to the Secretary, and afford such access to the records as the Secretary may find necessary to carry out the Secretary's duties; and

(7) before the plan or application was submitted to the Secretary, the State afforded a reasonable opportunity for public comment on the plan or application and considered such comment.

(b) GEPA PROVISION.—Section 441 of the General Education Provisions Act shall not apply to programs under this Act.

SEC. 8305. [20 U.S.C. 7845] CONSOLIDATED LOCAL PLANS OR APPLICATIONS.

(a) GENERAL AUTHORITY.—

(1) CONSOLIDATED PLAN.—A local educational agency receiving funds under more than one covered program may submit plans or applications to the State educational agency under those programs on a consolidated basis.

(2) AVAILABILITY TO GOVERNOR.—The State educational agency shall make any consolidated local plans and applications available to the Governor.

(b) **REQUIRED CONSOLIDATED PLANS OR APPLICATIONS.**—A State educational agency that has an approved consolidated State plan or application under section 8302 may require local educational agencies in the State receiving funds under more than one program included in the consolidated State plan or consolidated State application to submit consolidated local plans or applications under those programs, but may not require those agencies to submit separate plans.

(c) **COLLABORATION.**—A State educational agency, in consultation with the Governor, shall collaborate with local educational agencies in the State in establishing procedures for the submission of the consolidated State plans or consolidated State applications under this section.

(d) **NECESSARY MATERIALS.**—The State educational agency shall require only descriptions, information, assurances, and other material that are absolutely necessary for the consideration of the local educational agency plan or application.

(e) **RURAL CONSOLIDATED PLAN.**—

(1) **IN GENERAL.**—Two or more eligible local educational agencies, a consortium of eligible local educational service agencies, or an educational service agency on behalf of eligible local educational agencies may submit plans or applications for 1 or more covered programs to the State educational agency on a consolidated basis, if each eligible local educational agency impacted elects to participate in the joint application or elects to allow the educational service agency to apply on its behalf.

(2) **ELIGIBLE LOCAL EDUCATIONAL AGENCY.**—For the purposes of this subsection, the term "eligible local educational agency" means a local educational agency that is an eligible local educational agency under part B of title V.

SEC. 8306. [20 U.S.C. 7846] OTHER GENERAL ASSURANCES.

(a) **ASSURANCES.**—Any applicant, other than a State educational agency that submits a plan or application under this Act, shall have on file with the State educational agency a single set of assurances, applicable to each program for which a plan or application is submitted, that provides that—

(1) each such program will be administered in accordance with all applicable statutes, regulations, program plans, and applications;

(2)(A) the control of funds provided under each such program and title to property acquired with program funds will be in a public agency or in a ^Δeligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
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(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including

—
(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

(6) the applicant will—

(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require

- to enable the State educational agency and the Secretary to perform their duties under each such program; and
- (B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and
- (7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.
- (b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

PART D—WAIVERS

SEC. 8401. [20 U.S.C. 7861] WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.

(b) REQUEST FOR WAIVER.—

(1) IN GENERAL.—A State educational agency, acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2), or Indian tribe that desires a waiver shall submit a waiver request to the Secretary, which shall include a plan that—

(A) identifies the Federal programs affected by the requested waiver;

(B) describes which Federal statutory or regulatory requirements are to be waived;

(C) describes how the waiving of such requirements will advance student academic achievement;

(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

(E) includes only information directly related to the waiver request; and

(F) describes how schools will continue to provide assistance to the same populations served by

programs for which waivers are requested and, if the waiver relates to provisions of subsections

(b) or (h) of section 1111, describes how the State educational agency, local educational agency,

school, or Indian tribe will maintain or improve transparency in reporting to parents and the public

on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).

(2) ADDITIONAL INFORMATION.—Such requests—

(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

(B) shall be developed and submitted—

(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

(II) by State educational agencies (on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

(3) GENERAL REQUIREMENTS.—

(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State under subsection (a)(2), the State educational agency shall—

(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;

(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

(i) the request shall be reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary and be accompanied by the comments, if any, of the State educational agency and the public; and

(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

(A) IN GENERAL.—The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted. Initial disapproval of such request shall be based on the determination of the Secretary that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted under subsection (c);

(iii) the description required under paragraph (1)(C) in the plan provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act; or

(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

(B) WAIVER DETERMINATION AND REVISION.—Upon the initial determination of disapproval under subparagraph (A), the Secretary shall—

(i) immediately—

(I) notify the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe, as

applicable, of such determination; and

(II) provide detailed reasons for such determination in writing to the applicable entity under subclause (I) to the public, such as posting in a clear and easily accessible format to the Department's website;

(ii) offer the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

(iii) if the Secretary determines that the resubmission under clause (ii) does not meet the requirements of this section, at the request of the State educational agency, local educational agency, school, or Indian tribe, conduct a hearing not more than 30 days after the date of such resubmission.

(C) WAIVER DISAPPROVAL.—The Secretary may ultimately disapprove a waiver request if—

(i) the State educational agency, local educational agency, school, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

(ii) the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe—

(I) does not revise and resubmit the waiver request; or

(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if such a hearing is requested.

(D) EXTERNAL CONDITIONS.—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.

(c) RESTRICTIONS.—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

(2) maintenance of effort;

(3) comparability of services;

(4) use of Federal funds to supplement, not supplant, non-Federal funds;

(5) equitable participation of private school students and teachers;

(6) parental participation and involvement;

(7) applicable civil rights requirements;

(8) the requirement for a charter school under part C of title IV;

(9) the prohibitions—

(A) in subpart 2 of part F;

(B) regarding use of funds for religious worship or instruction in section 8505; and

(C) regarding activities in section 8526; or

(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsection (a) and (b) of section 1113.

(d) DURATION AND EXTENSION OF WAIVER; LIMITATIONS.—

(1) IN GENERAL.—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 4 years.

(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

- (A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and
- (B) the extension is in the public interest.

(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, school, or Indian tribe, as a condition of approval of a waiver request, to—

- (A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;
- (B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or
- (C) include in, or delete from, such waiver request any specific elements of—
 - (i) State academic standards;
 - (ii) academic assessments;
 - (iii) State accountability systems; or
 - (iv) teacher and school leader evaluation systems.

(e) REPORTS.—A State educational agency, local educational agency, school, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(h)—

- (1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and
- (2) how the use of the waiver has contributed to such progress.

(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if, after notice and an opportunity for a hearing, the Secretary—

- (A) [14] presents a rationale and supporting information that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or
- (B) determines that the waiver is no longer necessary to achieve its original purposes.

(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

SEC. 8451. [20 U.S.C. 7871] APPROVAL AND DISAPPROVAL OF STATE PLANS.

(a) APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(c), 4203, or 8302 shall be approved by the Secretary unless the Secretary makes a written determination (which shall include the supporting information and rationale supporting such determination), prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d), 4103(c), or 4203, or part C, respectively.

(b) DISAPPROVAL PROCESS.—

- (1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(c), 4203, or 8302, except after giving the State educational agency notice and an opportunity for a hearing.

(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d), 4103(c), or 4203, or part C, as applicable, the Secretary shall—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present supporting information to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(E) conduct a hearing within 30 days of the plan's resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

(F) request additional information, only as to the non-compliant provisions, needed to make the plan compliant.

(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan as described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of section 2101(d), 4103(c), or 4203, or part C, as applicable.

(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

(c) LIMITATION.—A plan submitted under section 2101(d), 4103(c), 4203, or 8302 shall not be approved or disapproved based upon the nature of the activities proposed within such plan if such proposed activities meet the applicable program requirements.

(d) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(4).

SEC. 8452. [20 U.S.C. 7872] APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(a) APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4106, 4204(b) or 8305, shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b), 4106, or 4204(b), or part C, respectively.

(b) DISAPPROVAL PROCESS.—

(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4106, 4204(b) or 8305 except after giving the local educational agency notice and opportunity for a hearing.

(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4106, 4204(b) or 8305 is not in compliance, in whole or in part, with section 2102(b), 4106, or 4204(b), or part C, respectively, the State educational agency shall—

(A) immediately notify the local educational agency of such determination;

(B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present supporting information to clearly demonstrate that the application meets the requirements of such section or part;

(D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;

(E) conduct a hearing within 30 days of the application's resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such a hearing; and

(F) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application as described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45 day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.

PART F—UNIFORM PROVISIONS

Subpart 1—Private Schools

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) SPECIAL RULE.—

(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.

(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

- (A) part C of title I;
- (B) part A of title II;
- (C) part A of title III;
- (D) part A of title IV;
- (E) part B of title IV; and
- (F) section 4631, with regard to Project SERV.

(2) DEFINITION.—For the purpose of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

(c) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as—

- (A) how the children's needs will be identified;
- (B) what services will be offered;
- (C) how, where, and by whom the services will be provided;
- (D) how the services will be assessed and how the results of the assessment will be used to improve those services;
- (E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;
- (F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and
- (G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

(H) whether to provide equitable services to eligible private school children—

- (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or
- (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) [15] DOCUMENTATION.—Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) 15 COMPLIANCE.—

(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.

(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

- (i) requested that the State educational agency provide such services directly; and
- (ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for

the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

(2) PROVISION OF SERVICES.—

(A) IN GENERAL.—The provision of services under this section shall be provided—

- (i) by employees of a public agency; or
- (ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 8502. [20 U.S.C. 7882] STANDARDS FOR BY-PASS.

(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 8501, the Secretary shall—

- (1) waive the requirements of that section for the agency, consortium, or entity; and
- (2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 8501, 8503, and 8504.

(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

SEC. 8503. [20 U.S.C. 7883] COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

SEC. 8504. [20 U.S.C. 7884] BY-PASS DETERMINATION PROCESS.

(a) REVIEW.—

- (1) IN GENERAL.—

(A) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under section 8502 until the State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity affected by the action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

(B) PRIOR TO REDUCTION.—Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(2) PETITION FOR REVIEW.—

(A) PETITION.—If the affected agency, consortium, or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), the agency, consortium, or entity may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action.

(B) TRANSMISSION.—A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

(C) FILING.—The Secretary, upon receipt of the copy of the petition, shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(3) FINDINGS OF FACT.—

(A) IN GENERAL.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

(B) NEW OR MODIFIED FINDINGS.—Any new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) JURISDICTION.—

(A) IN GENERAL.—Upon the filing of a petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part.

(B) JUDGMENT.—The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 8501 or any other provision of this Act.

(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 shall remain in effect to the extent the Secretary determines that that determination is consistent with the purpose of this section.

Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

SEC. 8506. [20 U.S.C. 7886] PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

(a) APPLICABILITY TO NONRECIPIENT PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, nor shall any student who attends a private school that does not receive funds or services under this Act be required to participate in any assessment referenced in this Act.

(b) APPLICABILITY TO HOME SCHOOLS.—Nothing in this Act shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student schooled at home be required to participate in any assessment referenced in this Act.

(c) RULE OF CONSTRUCTION ON PROHIBITION OF FEDERAL CONTROL OVER NONPUBLIC SCHOOLS.—Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

(d) RULE OF CONSTRUCTION ON STATE AND LOCAL EDUCATIONAL AGENCY MANDATES.—Nothing in this Act shall be construed to require any State educational agency or local educational agency that receives funds under this Act to mandate, direct, or control the curriculum of a private or home school, regardless or [29A] whether or not a home school is treated as a private school under state [29B] law, nor shall any funds under this Act be used for this purpose.

Subpart 2—Other Provisions

SEC. 8521. [20 U.S.C. 7901] MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of subsection (b).

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency), if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years.

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the local educational agency; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 8522. [20 U.S.C. 7902] PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act (other than under title VII) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 8523. [20 U.S.C. 7903] PRIVACY OF ASSESSMENT RESULTS.

Any results from an individual assessment referred to in this Act of a student that become part of the education records of the student shall have the protections provided in section 444 of the General Education Provisions Act.

SEC. 8524. [20 U.S.C. 7904] SCHOOL PRAYER.

(a) GUIDANCE.—The Secretary shall provide and revise guidance, not later than September 1, 2002, and of every second year thereafter, to State educational agencies, local educational agencies, and the public on constitutionally protected prayer in public elementary schools and secondary schools, including making the guidance available by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner. The guidance shall be reviewed, prior to distribution, by the Office of Legal Counsel of the Department of Justice for verification that the guidance represents the current state of the law concerning constitutionally protected prayer in public elementary schools and secondary schools.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a local educational agency shall certify in writing to the State educational agency involved that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the guidance required under subsection (a). The certification shall be provided by October 1 of each year. The State educational agency shall report to the Secretary by November 1 of each year a list of those local educational agencies that have not filed the certification or against which complaints have been made to the State educational agency that the local educational agencies are not in compliance with this section.

(c) ENFORCEMENT.—The Secretary is authorized and directed to effectuate subsection (b) by issuing, and securing compliance with, rules or orders with respect to a local educational agency that fails to certify, or is found to have certified in bad faith, that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

SEC. 8525. [20 U.S.C. 7905] EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES.

(a) SHORT TITLE.—This section may be cited as the "Boy Scouts of America Equal Access Act".

(b) IN GENERAL.—

(1) EQUAL ACCESS.—Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).

(2) VOLUNTARY SPONSORSHIP.—Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with

the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society).

(c) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (b) by issuing and securing compliance with rules or orders with respect to a public elementary school, public secondary school, local educational agency, or State educational agency that receives funds made available through the Department and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (b).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), through the Office for Civil Rights and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964. If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of the Civil Rights Act of 1964. Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of such Act.

(d) DEFINITION AND RULE.—

(1) DEFINITION.—In this section, the term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SEC. 8526. [20 U.S.C. 7906] PROHIBITED USES OF FUNDS [16]

No funds under this Act may be used—

- (1) for construction, renovation, or repair of any school facility, except as authorized under this Act;
- (2) for transportation unless otherwise authorized under this Act;
- (3) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- (4) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- (5) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- (6) to operate a program of contraceptive distribution in schools.

SEC. 8526A. [20 U.S.C. 7906a] PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards

common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

(b) FINANCIAL SUPPORT.—No officer or employee of the Federal Government shall condition or incentivize the receipt of any grant, contract, or cooperative agreement, the receipt of any priority or preference under such grant, contract, or cooperative agreement, or the receipt of a waiver under section 8401 upon a State, local educational agency, or school's adoption or implementation of specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any condition, priority, or preference to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).

SEC. 8527. [20 U.S.C. 7907] PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department, whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

(c) LOCAL CONTROL.—Nothing in this section shall be construed to—

- (1) authorize an officer or employee of the Federal Government, whether through a grant, contract, or cooperative agreement to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;
- (2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.);
- (3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or
- (4) create any legally enforceable right.

(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

(2) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

SEC. 8528. [20 U.S.C. 7908] ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION. [17]

(a) POLICY.—

(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

(2) CONSENT.—

(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

(6) (b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of the enactment of the Every Student Succeeds Act, notify school leaders, school administrators, and other educators about the requirements of this section.

(7) (c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

SEC. 8529. [20 U.S.C. 7909] PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002

(20 U.S.C. 9543(a)(6)) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 8530. [20 U.S.C. 7910] LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

(a) [18] **MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.**—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, other school leaders, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

(b) **PROHIBITION ON WITHHOLDING FUNDS.**—The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

SEC. 8530A. [20 U.S.C. 7910a] PROHIBITION ON REQUIRING STATE PARTICIPATION.

Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.

SEC. 8531. [20 U.S.C. 7911] PROHIBITION ON NATIONWIDE DATABASE.

Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.

SEC. 8532. [20 U.S.C. 7912] UNSAFE SCHOOL CHOICE OPTION.

(a) **UNSAFE SCHOOL CHOICE POLICY.**—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) **CERTIFICATION.**—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

SEC. 8533. [20 U.S.C. 7913] PROHIBITION ON DISCRIMINATION.

Nothing in this Act shall be construed to require, authorize, or permit, the Secretary, or a State educational agency, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.

SEC. 8534. [20 U.S.C. 7914] CIVIL RIGHTS.

(a) **IN GENERAL.**—Nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 1111(d) of title I and part C of title IV, at the commencement of the entity's participation in a grant under section 1111(d) of title I or part C of title IV.

SEC. 8535. [20 U.S.C. 7915] RULEMAKING.

The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

SEC. 8536. [20 U.S.C. 7916] SEVERABILITY.

If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

SEC. 8537. [20 U.S.C. 7917] TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

(a) **NONAPPLICATION OF PROVISIONS.**—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) **DISCIPLINARY RECORDS.**—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full or part-time basis, in the school.

SEC. 8538. [20 U.S.C. 7918] CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

(a) **IN GENERAL.**—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

(b) **DOCUMENTATION.**—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(c) **DEFINITIONS.**—In this section:

(1) **AFFECTED LOCAL EDUCATIONAL AGENCY.**—The term "affected local educational agency" means a local educational agency—

(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

(B) that—

- (i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII (as such subpart was in effect on the day before the date of enactment of the Every Student Succeeds Act) that exceeded \$40,000; or
- (ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of title VI that exceeded \$40,000.

(2) APPROPRIATE OFFICIALS.—The term "appropriate officials" means—

- (A) tribal officials who are elected; or
- (B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.

(d) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

- (1) to require the local educational agency to determine who are the appropriate officials; or
- (2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.

(e) LIMITATION.—Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this Act.

SEC. 8539. [20 U.S.C. 7919] OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

(a) OUTREACH.—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.

(b) TECHNICAL ASSISTANCE.—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

SEC. 8540. [20 U.S.C. 7920] CONSULTATION WITH THE GOVERNOR.

(a) IN GENERAL.—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 8302.

(b) TIMING.—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—

- (1) during the development of such plan; and
- (2) prior to submission of the plan to the Secretary.

(c) JOINT SIGNATURE AUTHORITY.—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 8302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.

SEC. 8541. [20 U.S.C. 7921] LOCAL GOVERNANCE.

(a) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to allow the Secretary to—

- (1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;
- (2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or
- (3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

(b) **AUTHORITY UNDER OTHER LAW.**—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

SEC. 8542. [20 U.S.C. 7922] RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

(a) **IN GENERAL.**—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

(b) **NO PREEMPTION OF STATE OR LOCAL LAWS.**—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

SEC. 8543. [20 U.S.C. 7923] LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

Notwithstanding section 8102, funds used for activities under this Act shall be carried out in accordance with the provision of section 399z-1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h-5(a)(3)(C)).

SEC. 8544. [20 U.S.C. 7924] STATE CONTROL OVER STANDARDS.

(a) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

(b) **PROHIBITION.**—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 8401 or through any other authority, take any action against a State that exercises its rights under subsection (a).

SEC. 8545. [20 U.S.C. 7925] SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

(a) **FINDINGS.**—The Congress finds as follows:

(1) Students' personally identifiable information is important to protect.

(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

(5) The Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this Act, and ensure that students' personally identifiable information is protected.

SEC. 8546. [20 U.S.C. 7926] PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

(a) **IN GENERAL.**—A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel

files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(c) (1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(d) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

SEC. 8547. [20 U.S.C. 7927] SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION.

It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State

or local educational agency's request to participate in such activities.

SEC. 8548. [20 U.S.C. 7928] PRIVACY.

The Secretary shall require an assurance that each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Education Rights and Privacy Act of 1974").

SEC. 8549. [20 U.S.C. 7929] ANALYSIS AND PERIODIC REVIEW OF DEPARTMENTAL GUIDANCE.

The Secretary shall develop procedures for the approval and periodic review of significant guidance documents that include—

(1) appropriate approval processes within the Department;

(2) appropriate identification of the agency or office issuing the documents, the activities to which and the persons to whom the documents apply, and the date of issuance;

- (3) a publicly available list to identify those significant guidance documents that were issued, revised, or withdrawn within the past year; and
- (4) an opportunity for the public to request that an agency modify or rescind an existing significant guidance document.

SEC. 8549A [20 U.S.C. 7930] SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) This Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

(2) This Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

SEC. 8549B. [20 U.S.C. 7931] SENSE OF CONGRESS ON EARLY LEARNING AND CHILD CARE.

It is the Sense of the Congress that a State retains the right to make decisions, free from Federal intrusion, concerning its system of early learning and child care, and whether or not to use funding under this Act to offer early childhood education programs. Such systems should continue to include robust choice for parents through a mixed delivery system of services so parents can determine the right early learning and child care option for their children. States, while protecting the rights of early learning and child care providers, retain the right to make decisions that shall include the age at which to set compulsory attendance in school, the content of a State's early learning guidelines, and how to determine quality in programs.

SEC. 8549C. [20 U.S.C. 7932] TECHNICAL ASSISTANCE.

If requested by a State or local educational agency, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance to such State or local educational agency in meeting the requirements of section 8101(21).

Subpart 3—Teacher Liability Protection

SEC. 8551. [20 U.S.C. 7941] SHORT TITLE.

This subpart may be cited as the "Paul D. Coverdell Teacher Protection Act of 2001".

SEC. 8552. [20 U.S.C. 7942] PURPOSE.

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

SEC. 8553. [20 U.S.C. 7943] DEFINITIONS.

For purposes of this subpart:

- (1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or

employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee's job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

SEC. 8554. [20 U.S.C. 7944] APPLICABILITY.

This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.

SEC. 8555. [20 U.S.C. 7945] PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 8556. [20 U.S.C. 7946] LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or

suspend a student or maintain order or control in the classroom or school;

(3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;

(4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and

(5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to —

(A) possess an operator's license; or

(B) maintain insurance.

(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

(1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.

(2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.

(3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

(1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.

(2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

(1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

(A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;

(B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;

(C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or

(D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

(e) RULES OF CONSTRUCTION.—

(1) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.— Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

SEC. 8557. [20 U.S.C. 7947] ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—

(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(B) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

SEC. 8558. [20 U.S.C. 7948] EFFECTIVE DATE.

(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Subpart 4—Gun Possession

SEC. 8561. [20 U.S.C. 7961] GUN-FREE REQUIREMENTS.

(a) SHORT TITLE.—This subpart may be cited as the "Gun-Free Schools Act".

(b) REQUIREMENTS.—

(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

- (2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.
- (3) DEFINITION.—For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code.
- (c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.
- (d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—
- (1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and
 - (2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—
 - (A) the name of the school concerned;
 - (B) the number of students expelled from such school; and
 - (C) the type of firearms concerned.
- (e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.
- (f) DEFINITION.—For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.
- (g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.
- (h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—
- (1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.
 - (2) DEFINITION.—For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18, United States Code.

Subpart 5—Environmental Tobacco Smoke

SEC. 8571. [20 U.S.C. 7971] SHORT TITLE.

This part may be cited as the "Pro-Children Act of 2001".

SEC. 8572. [20 U.S.C. 7972] DEFINITIONS.

As used in this part:

- (1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.
- (2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—
 - (A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—
 - (i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX

of the Social Security Act); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part, except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

(3) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

(4) PERSON.—The term "person" means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 8573. [20 U.S.C. 7973] NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) ADDITIONAL PROHIBITION.—

(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(c) FEDERAL AGENCIES.—

(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD EDUCATION PROGRAMS.—

(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood education programs to children.

(B) EXCEPTION.—Subparagraph (A) shall not apply to—

(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(ii) any private residence.

(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(b) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

(c) CIVIL PENALTIES.—

(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall

promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

SEC. 8574. [20 U.S.C. 7974] PREEMPTION.

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

PART G—EVALUATIONS

SEC. 8601. [20 U.S.C. 7981] EVALUATIONS.

(a) RESERVATION OF FUNDS.—Except as provided in subsection [31A] (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(A) conduct comprehensive, high-quality evaluations of the programs that—

(i) are consistent with the evaluation plan under subsection (d); and

(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

(i) in a timely fashion;

(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

(iv) in a manner that promotes the utilization of such findings; and

(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

(i) Federal programs assisted or authorized under this Act; and

(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

- (C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).
- (b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.
- (c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—
- (1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and
 - (2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.
- (d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—
- (1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;
 - (2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and
 - (3) describes how programs authorized under this Act will be regularly evaluated.
- (e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.

Footnotes

- [14] So in law. Subparagraphs (A) and (B) (as added by section 8013(6) of Public Law 114–95) should be redesignated as paragraphs (1) and (2) and the margins should be moved to the left.
- [15] The placement of paragraphs (5) and (6) at the end of subsection (c) reflects the probable intent of Congress. See the amendment made by section 8015(4) of Public Law 114–95, which technically adds these paragraphs at the end of the section.
- [16] The amendment made by section 8022(1) of Public Law 114–95 to the section heading for section 8526 (as redesignated) executed above probably should have included a period at the end of the inserted matter.
- [17] There is a corresponding provision of section 8528 that exists in section 503(c) of title 10, United States Code.
- [18] The amendment made by section 8027(2) of Public Law 114–95 probably should have specified subsection (a) in the instructions. Such amendment was executed in subsection (a) in order to reflect the probable intent of Congress.
- [27A] So in original. Probably should be "an".
- [28A] So in original. Probably should be "an".
- [29A] So in original. Probably should be "of".
- [29B] So in original. Probably should be capitalized.
- [31A] So in original. Probably should be "subsections".

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From: Hendrickson, Brandon
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft
Attachments: l_134_1448-1.pdf

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell
Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>



I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact
sections 3313.6027 and 4113.35 of the Revised
Code to prohibit school districts, community
schools, STEM schools, and state agencies from
teaching, advocating, or promoting divisive
concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 4113.35 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) As used in this section:

(1) "Divisive concepts" means the concepts that:

(a) One nationality, color, ethnicity, race, or sex is
inherently superior to another nationality, color, ethnicity,
race, or sex.

(b) The United States is fundamentally racist or sexist.

(c) An individual, by virtue of the individual's

nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19

(d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22

(e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25

(f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28

(g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32

(h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36

(i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38

(2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42
ethnicity, race, or sex. 43

(3) "Race or sex scapegoating" means assigning fault, 44

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blame, or bias to a nationality, color, ethnicity, race, or sex 45
or to members of a nationality, color, ethnicity, race, or sex 46
because of their nationality, color, ethnicity, race, or sex. It 47
also includes any claim that consciously or unconsciously, and 48
by virtue of their nationality, color, ethnicity, race, or sex, 49
members of any nationality, color, ethnicity, or race are 50
inherently racist or are inherently inclined to oppress others 51
or members of a sex are inherently sexist or are inherently 52
inclined to oppress others. 53

(B) (1) No school district shall teach, instruct, or train 54
any divisive concepts, nor shall any school district require a 55
student to advocate for or against a specific topic or point of 56
view to receive credit for any coursework. 57

(2) No school district shall accept private funding for 58
the purpose of developing a curriculum, purchasing or selecting 59
course materials, or providing teacher training or professional 60
development for a course promoting divisive concepts. 61

(C) If the superintendent of public instruction determines 62
that any school district knowingly violates the prohibitions 63
prescribed in division (B) of this section, the department of 64
education shall withhold state funding from the district in the 65
amount determined by the department until such time as the 66
department determines the district no longer is in violation of 67
that division. 68

(D) Nothing in this section shall be construed to prohibit 69
discussing or using supplemental instructional materials, as 70
part of a larger course of academic instruction, to teach 71
divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

<u>(1) The history of an ethnic group, as described in</u>	74
<u>textbooks and instructional materials adopted in accordance with</u>	75
<u>the Revised Code concerning textbooks and instructional</u>	76
<u>materials;</u>	77
<u>(2) The impartial discussion of controversial aspects of</u>	78
<u>history;</u>	79
<u>(3) The impartial instruction on the historical oppression</u>	80
<u>of a particular group of people based on race, ethnicity, class,</u>	81
<u>nationality, religion, or geographic region;</u>	82
<u>(4) Historical documents permitted under statutory law,</u>	83
<u>such as the national motto, the national anthem, the Ohio</u>	84
<u>Constitution, the United States Constitution, the Revised Code,</u>	85
<u>federal law, and United States Supreme Court decisions.</u>	86
<u>(E) The state board of education may adopt rules regarding</u>	87
<u>the implementation of and monitoring compliance with the</u>	88
<u>provisions of this section.</u>	89
Sec. 3314.03. A copy of every contract entered into under	90
this section shall be filed with the superintendent of public	91
instruction. The department of education shall make available on	92
its web site a copy of every approved, executed contract filed	93
with the superintendent under this section.	94
(A) Each contract entered into between a sponsor and the	95
governing authority of a community school shall specify the	96
following:	97
(1) That the school shall be established as either of the	98
following:	99
(a) A nonprofit corporation established under Chapter	100
1702. of the Revised Code, if established prior to April 8,	101

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2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
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3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

status to the sponsor and the parents of all students enrolled 219
in the school. 220

(h) The school, unless it is an internet- or computer- 221
based community school, will comply with section 3313.801 of the 222
Revised Code as if it were a school district. 223

(i) If the school is the recipient of moneys from a grant 224
awarded under the federal race to the top program, Division (A), 225
Title XIV, Sections 14005 and 14006 of the "American Recovery 226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 227
the school will pay teachers based upon performance in 228
accordance with section 3317.141 and will comply with section 229
3319.111 of the Revised Code as if it were a school district. 230

(j) If the school operates a preschool program that is 231
licensed by the department of education under sections 3301.52 232
to 3301.59 of the Revised Code, the school shall comply with 233
sections 3301.50 to 3301.59 of the Revised Code and the minimum 234
standards for preschool programs prescribed in rules adopted by 235
the state board under section 3301.53 of the Revised Code. 236

(k) The school will comply with sections 3313.6021 and 237
3313.6023 of the Revised Code as if it were a school district 238
unless it is either of the following: 239

(i) An internet- or computer-based community school; 240

(ii) A community school in which a majority of the 241
enrolled students are children with disabilities as described in 242
division (A) (4) (b) of section 3314.35 of the Revised Code. 243

(l) The school will comply with section 3321.191 of the 244
Revised Code, unless it is an internet- or computer-based 245
community school that is subject to section 3314.261 of the 246
Revised Code. 247

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(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

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(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

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department has evidence of conditions or violations of law at	305
the school that pose an imminent danger to the health and safety	306
of the school's students and employees and the sponsor refuses	307
to take such action.	308
(23) A description of the learning opportunities that will	309
be offered to students including both classroom-based and non-	310
classroom-based learning opportunities that is in compliance	311
with criteria for student participation established by the	312
department under division (H) (2) of section 3314.08 of the	313
Revised Code;	314
(24) The school will comply with sections 3302.04 and	315
3302.041 of the Revised Code, except that any action required to	316
be taken by a school district pursuant to those sections shall	317
be taken by the sponsor of the school. However, the sponsor	318
shall not be required to take any action described in division	319
(F) of section 3302.04 of the Revised Code.	320
(25) Beginning in the 2006-2007 school year, the school	321
will open for operation not later than the thirtieth day of	322
September each school year, unless the mission of the school as	323
specified under division (A) (2) of this section is solely to	324
serve dropouts. In its initial year of operation, if the school	325
fails to open by the thirtieth day of September, or within one	326
year after the adoption of the contract pursuant to division (D)	327
of section 3314.02 of the Revised Code if the mission of the	328
school is solely to serve dropouts, the contract shall be void.	329
(26) Whether the school's governing authority is planning	330
to seek designation for the school as a STEM school equivalent	331
under section 3326.032 of the Revised Code;	332
(27) That the school's attendance and participation	333

policies will be available for public inspection; 334

(28) That the school's attendance and participation 335
records shall be made available to the department of education, 336
auditor of state, and school's sponsor to the extent permitted 337
under and in accordance with the "Family Educational Rights and 338
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 339
and any regulations promulgated under that act, and section 340
3319.321 of the Revised Code; 341

(29) If a school operates using the blended learning 342
model, as defined in section 3301.079 of the Revised Code, all 343
of the following information: 344

(a) An indication of what blended learning model or models 345
will be used; 346

(b) A description of how student instructional needs will 347
be determined and documented; 348

(c) The method to be used for determining competency, 349
granting credit, and promoting students to a higher grade level; 350

(d) The school's attendance requirements, including how 351
the school will document participation in learning 352
opportunities; 353

(e) A statement describing how student progress will be 354
monitored; 355

(f) A statement describing how private student data will 356
be protected; 357

(g) A description of the professional development 358
activities that will be offered to teachers. 359

(30) A provision requiring that all moneys the school's 360

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operator loans to the school, including facilities loans or cash 361
flow assistance, must be accounted for, documented, and bear 362
interest at a fair market rate; 363

(31) A provision requiring that, if the governing 364
authority contracts with an attorney, accountant, or entity 365
specializing in audits, the attorney, accountant, or entity 366
shall be independent from the operator with which the school has 367
contracted. 368

(32) A provision requiring the governing authority to 369
adopt an enrollment and attendance policy that requires a 370
student's parent to notify the community school in which the 371
student is enrolled when there is a change in the location of 372
the parent's or student's primary residence. 373

(33) A provision requiring the governing authority to 374
adopt a student residence and address verification policy for 375
students enrolling in or attending the school. 376

(B) The community school shall also submit to the sponsor 377
a comprehensive plan for the school. The plan shall specify the 378
following: 379

(1) The process by which the governing authority of the 380
school will be selected in the future; 381

(2) The management and administration of the school; 382

(3) If the community school is a currently existing public 383
school or educational service center building, alternative 384
arrangements for current public school students who choose not 385
to attend the converted school and for teachers who choose not 386
to teach in the school or building after conversion; 387

(4) The instructional program and educational philosophy 388

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	389
of the school;	
	390
(5) Internal financial controls.	
	391
When submitting the plan under this division, the school	392
shall also submit copies of all policies and procedures	393
regarding internal financial controls adopted by the governing	394
authority of the school.	
	395
(C) A contract entered into under section 3314.02 of the	396
Revised Code between a sponsor and the governing authority of a	397
community school may provide for the community school governing	398
authority to make payments to the sponsor, which is hereby	399
authorized to receive such payments as set forth in the contract	400
between the governing authority and the sponsor. The total	401
amount of such payments for monitoring, oversight, and technical	402
assistance of the school shall not exceed three per cent of the	403
total amount of payments for operating expenses that the school	404
receives from the state.	
	405
(D) The contract shall specify the duties of the sponsor	406
which shall be in accordance with the written agreement entered	407
into with the department of education under division (B) of	408
section 3314.015 of the Revised Code and shall include the	409
following:	
	410
(1) Monitor the community school's compliance with all	411
laws applicable to the school and with the terms of the	412
contract;	
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(2) Monitor and evaluate the academic and fiscal	414
performance and the organization and operation of the community	415
school on at least an annual basis;	
	416
(3) Report on an annual basis the results of the	417
evaluation conducted under division (D)(2) of this section to	

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the department of education and to the parents of students	418
enrolled in the community school;	419
(4) Provide technical assistance to the community school	420
in complying with laws applicable to the school and terms of the	421
contract;	422
(5) Take steps to intervene in the school's operation to	423
correct problems in the school's overall performance, declare	424
the school to be on probationary status pursuant to section	425
3314.073 of the Revised Code, suspend the operation of the	426
school pursuant to section 3314.072 of the Revised Code, or	427
terminate the contract of the school pursuant to section 3314.07	428
of the Revised Code as determined necessary by the sponsor;	429
(6) Have in place a plan of action to be undertaken in the	430
event the community school experiences financial difficulties or	431
closes prior to the end of a school year.	432
(E) Upon the expiration of a contract entered into under	433
this section, the sponsor of a community school may, with the	434
approval of the governing authority of the school, renew that	435
contract for a period of time determined by the sponsor, but not	436
ending earlier than the end of any school year, if the sponsor	437
finds that the school's compliance with applicable laws and	438
terms of the contract and the school's progress in meeting the	439
academic goals prescribed in the contract have been	440
satisfactory. Any contract that is renewed under this division	441
remains subject to the provisions of sections 3314.07, 3314.072,	442
and 3314.073 of the Revised Code.	443
(F) If a community school fails to open for operation	444
within one year after the contract entered into under this	445
section is adopted pursuant to division (D) of section 3314.02	446

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of the Revised Code or permanently closes prior to the 447
 expiration of the contract, the contract shall be void and the 448
 school shall not enter into a contract with any other sponsor. A 449
 school shall not be considered permanently closed because the 450
 operations of the school have been suspended pursuant to section 451
 3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
 mathematics school established under this chapter and its 454
 governing body shall comply with sections 9.90, 9.91, 109.65, 455
 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
 3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
 4123., 4141., and 4167. of the Revised Code as if it were a 474
 school district. 475

Sec. 4113.35. (A) As used in this section: 476

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- (1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
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- (2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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- (3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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- (B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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- (2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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- (3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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- (C) The administrative head of each state agency shall do the following: 502
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- (1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

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inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended	564
by the acts indicated, are the resulting versions of the	565
sections in effect prior to the effective date of the sections	566
as presented in this act:	567
Section 3314.03 of the Revised Code as amended by H.B.	568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	569
89, all of the 133rd General Assembly.	570
Section 3326.11 of the Revised Code as amended by H.B.	571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	572
General Assembly.	573

From: Strobe, Lauren
Sent: Tuesday, May 18, 2021 4:31 PM
To: Fowler Arthur, Sarah
Subject: FW: Rep. Grendell CRT Bill Draft
Attachments: l_134_1448-1.pdf

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell



Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

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A BILL

To amend sections 3314.03 and 3326.11 and to enact
sections 3313.6027 and 4113.35 of the Revised
Code to prohibit school districts, community
schools, STEM schools, and state agencies from
teaching, advocating, or promoting divisive
concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 4113.35 of the Revised Code be
enacted to read as follows:

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Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is
inherently superior to another nationality, color, ethnicity,
race, or sex.

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(b) The United States is fundamentally racist or sexist.

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(c) An individual, by virtue of the individual's

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nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19

(d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22

(e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25

(f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28

(g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32

(h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36

(i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38

(2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42
ethnicity, race, or sex. 43

(3) "Race or sex scapegoating" means assigning fault, 44

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blame, or bias to a nationality, color, ethnicity, race, or sex
or to members of a nationality, color, ethnicity, race, or sex
because of their nationality, color, ethnicity, race, or sex. It
also includes any claim that consciously or unconsciously, and
by virtue of their nationality, color, ethnicity, race, or sex,
members of any nationality, color, ethnicity, or race are
inherently racist or are inherently inclined to oppress others
or members of a sex are inherently sexist or are inherently
inclined to oppress others.

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(B) (1) No school district shall teach, instruct, or train
any divisive concepts, nor shall any school district require a
student to advocate for or against a specific topic or point of
view to receive credit for any coursework.

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(2) No school district shall accept private funding for
the purpose of developing a curriculum, purchasing or selecting
course materials, or providing teacher training or professional
development for a course promoting divisive concepts.

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(C) If the superintendent of public instruction determines
that any school district knowingly violates the prohibitions
prescribed in division (B) of this section, the department of
education shall withhold state funding from the district in the
amount determined by the department until such time as the
department determines the district no longer is in violation of
that division.

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

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(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with the Revised Code concerning textbooks and instructional materials; 74
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(2) The impartial discussion of controversial aspects of history; 78
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(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; 80
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(4) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions. 83
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(E) The state board of education may adopt rules regarding the implementation of and monitoring compliance with the provisions of this section. 87
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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. 90
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 95
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(1) That the school shall be established as either of the following: 98
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 100
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2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the 130
school to be maintained in the same manner as are financial 131
records of school districts, pursuant to rules of the auditor of 132
state. Audits shall be conducted in accordance with section 133
117.10 of the Revised Code. 134

(9) An addendum to the contract outlining the facilities 135
to be used that contains at least the following information: 136

(a) A detailed description of each facility used for 137
instructional purposes; 138

(b) The annual costs associated with leasing each facility 139
that are paid by or on behalf of the school; 140

(c) The annual mortgage principal and interest payments 141
that are paid by the school; 142

(d) The name of the lender or landlord, identified as 143
such, and the lender's or landlord's relationship to the 144
operator, if any. 145

(10) Qualifications of teachers, including a requirement 146
that the school's classroom teachers be licensed in accordance 147
with sections 3319.22 to 3319.31 of the Revised Code, except 148
that a community school may engage noncertificated persons to 149
teach up to twelve hours or forty hours per week pursuant to 150
section 3319.301 of the Revised Code. 151

(11) That the school will comply with the following 152
requirements: 153

(a) The school will provide learning opportunities to a 154
minimum of twenty-five students for a minimum of nine hundred 155
twenty hours per school year. 156

(b) The governing authority will purchase liability 157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

status to the sponsor and the parents of all students enrolled	219
in the school.	220
(h) The school, unless it is an internet- or computer-	221
based community school, will comply with section 3313.801 of the	222
Revised Code as if it were a school district.	223
(i) If the school is the recipient of moneys from a grant	224
awarded under the federal race to the top program, Division (A),	225
Title XIV, Sections 14005 and 14006 of the "American Recovery	226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115,	227
the school will pay teachers based upon performance in	228
accordance with section 3317.141 and will comply with section	229
3319.111 of the Revised Code as if it were a school district.	230
(j) If the school operates a preschool program that is	231
licensed by the department of education under sections 3301.52	232
to 3301.59 of the Revised Code, the school shall comply with	233
sections 3301.50 to 3301.59 of the Revised Code and the minimum	234
standards for preschool programs prescribed in rules adopted by	235
the state board under section 3301.53 of the Revised Code.	236
(k) The school will comply with sections 3313.6021 and	237
3313.6023 of the Revised Code as if it were a school district	238
unless it is either of the following:	239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the	241
enrolled students are children with disabilities as described in	242
division (A) (4) (b) of section 3314.35 of the Revised Code.	243
(l) The school will comply with section 3321.191 of the	244
Revised Code, unless it is an internet- or computer-based	245
community school that is subject to section 3314.261 of the	246
Revised Code.	247

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(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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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; 361
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(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. 364
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(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. 369
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(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. 374
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(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 377
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379

(1) The process by which the governing authority of the school will be selected in the future; 380
381

(2) The management and administration of the school; 382

(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 to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 383
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387

(4) The instructional program and educational philosophy 388

of the school; 389

(5) Internal financial controls. 390

When submitting the plan under this division, the school 391
shall also submit copies of all policies and procedures 392
regarding internal financial controls adopted by the governing 393
authority of the school. 394

(C) A contract entered into under section 3314.02 of the 395
Revised Code between a sponsor and the governing authority of a 396
community school may provide for the community school governing 397
authority to make payments to the sponsor, which is hereby 398
authorized to receive such payments as set forth in the contract 399
between the governing authority and the sponsor. The total 400
amount of such payments for monitoring, oversight, and technical 401
assistance of the school shall not exceed three per cent of the 402
total amount of payments for operating expenses that the school 403
receives from the state. 404

(D) The contract shall specify the duties of the sponsor 405
which shall be in accordance with the written agreement entered 406
into with the department of education under division (B) of 407
section 3314.015 of the Revised Code and shall include the 408
following: 409

(1) Monitor the community school's compliance with all 410
laws applicable to the school and with the terms of the 411
contract; 412

(2) Monitor and evaluate the academic and fiscal 413
performance and the organization and operation of the community 414
school on at least an annual basis; 415

(3) Report on an annual basis the results of the 416
evaluation conducted under division (D)(2) of this section to 417

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the department of education and to the parents of students 418
enrolled in the community school; 419

(4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422

(5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429

(6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432

(E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443

(F) If a community school fails to open for operation 444
within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446

of the Revised Code or permanently closes prior to the 447
expiration of the contract, the contract shall be void and the 448
school shall not enter into a contract with any other sponsor. A 449
school shall not be considered permanently closed because the 450
operations of the school have been suspended pursuant to section 451
3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
mathematics school established under this chapter and its 454
governing body shall comply with sections 9.90, 9.91, 109.65, 455
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
4123., 4141., and 4167. of the Revised Code as if it were a 474
school district. 475

Sec. 4113.35. (A) As used in this section: 476

(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
478

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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(C) The administrative head of each state agency shall do the following: 502
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
505

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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: Thomas, AJ
Sent: Wednesday, May 19, 2021 12:07 PM
To: Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



REMINDER: Deadline to Co-Sponsor is TODAY at 5:00pm. Thank you for your consideration.

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

We will soon be introducing legislation that will prohibit the inculcating of critical race theory and the use of “action civics” in our classrooms.

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist “woke-ism” has come a long way from Martin Luther King, Jr.’s dream where people would “not be judged by the color of their skin but by the content of their character” to flat out saying “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.” and so on.

CRT teaches that racism is built into our American system and not the result of bad actors. CRT’s lessons also categorize certain racial and religious identities as inherently ‘oppressive,’ and instructs our children who fall into these demographics to accept the label ‘oppressor.’ This is plain wrong.

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;

- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

This bill will also address "action civics" where class credit is given for not just participating in our system of government, but actively advocating for a specific position. Our children absolutely need to learn our government processes, but not because they are pushing an agenda from a teacher or school, or even potentially being dinged by a teacher for advocating for the "wrong position." Coursework should be about learning, not advocating.

Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classroom.

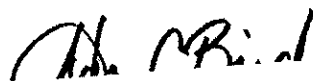

This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and we would like your support for this bill that will maintain strong and good civics in our classrooms.

If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Fowler Arthur, Sarah
Sent: Wednesday, May 19, 2021 2:21 PM
To: Strobe, Lauren
Subject: Fwd: Effective v Equitable Presentation- Spring/Summer 2021 - Google Slides

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From: Charlotte D McGuire <cdmcguire1@gmail.com>
Sent: Wednesday, May 19, 2021 12:10:18 PM
To: Sarah Fowler <Sarah.FowlerArthur@ohiohouse.gov>
Subject: Effective v Equitable Presentation- Spring/Summer 2021 - Google Slides

[https://urldefense.com/v3/https://docs.google.com/presentation/d/1fqEQ5wwatvbtDsCFEuKRI5A-U-usqCx3ANdhnQ9hr_Y/mobilepresent?slide=id.gd8433e40103_!!AC6e5FAr1kzGFmNm5g99NzIvpNVfaJ7GvQMPy5OZTIU2N3tPEcYXPgQagPxZ5wgpLI73fc8919B1dbKBvWdPE\\$](https://urldefense.com/v3/https://docs.google.com/presentation/d/1fqEQ5wwatvbtDsCFEuKRI5A-U-usqCx3ANdhnQ9hr_Y/mobilepresent?slide=id.gd8433e40103_!!AC6e5FAr1kzGFmNm5g99NzIvpNVfaJ7GvQMPy5OZTIU2N3tPEcYXPgQagPxZ5wgpLI73fc8919B1dbKBvWdPE$)

Sent from my iPhone

From: report@hannah.com
Sent: Thursday, May 20, 2021 8:06 PM
To: DL_Hannah
Subject: Hannah News Stories for Thursday, May 20, 2021

Thursday, May 20, 2021

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- [Seitz: Voting Bill Amendments Will Codify Early Voting Hours, Absentee Vote Processing Policy](#)
- [New Weekly Jobless Claims Fall Below 18K](#)
- [Yost, Fellow AGs Object to Federal Education Program Changes over Critical Race Theory Concerns](#)
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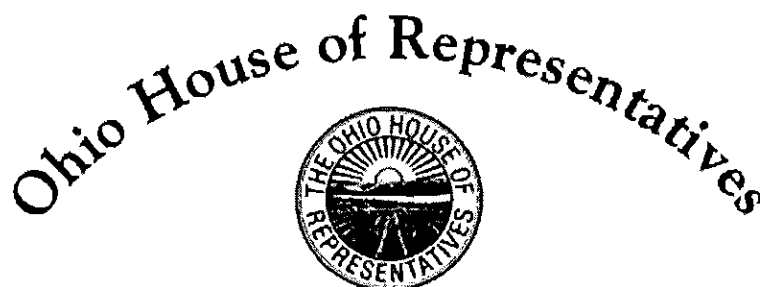
From: Rep76

Sent: Friday, May 21, 2021 10:32 AM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Please Note: The deadline to cosponsor this legislation has been adjusted to TODAY, May 21 at 3:00 pm.



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is

From: Hendrickson, Brandon
Sent: Friday, May 21, 2021 12:30 PM
To: Fowler Arthur, Sarah
CC: Strope, Lauren
Subject: Cosponsor List
Attachments: Cosponsor List - Prohibit Divisive Teaching Concepts.docx

Rep. Fowler Arthur—attached is the cosponsor list as of 12:28pm today.

-Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell
Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>



Cosponsor List – Rep. Grendell’s Legislation Prohibiting Divisive Teachings

1. **JOINT SPONSOR - Rep. Sarah Fowler**
2. Rep. Gary Click
3. Rep. Adam Holmes
4. Rep. Reggie Stoltzfus
5. Representative Jennifer Gross
6. Rep. Nino Vitale
7. Rep. Craig Riedel
8. Rep. Kris Jordan
9. Rep. Paul Zeltwanger
10. Rep. Jon Cross
11. Rep. Mark Johnson
12. Rep. Riordan McClain
13. Rep. Jay Edwards
14. Rep. Derek Merrin
15. Rep. Jean Schmidt
16. Rep. Bill Dean
17. Rep. Scott Wiggam
18. Rep. Tom Brinkman
19. Rep. Jamie Callender
20. Rep. Rodney Creech
21. Rep. Mike Loychik
22. Rep. Dick Stein
23. Rep. Jena Powell

From: Ingram, Catherine
Sent: Friday, May 21, 2021 12:58 PM
To: Rep76
CC: House_All
Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

So we will NOT be teaching true American History? How will freedom of speech and Expansion of the Mind, as has been voted on in our chambers, work?
Thanks for your thinking.
Best Hopes

Sent from my iPhone

On May 21, 2021, at 10:32 AM, Rep76 <Rep76@ohiohouse.gov> wrote:

**Please Note: The deadline to cosponsor
this legislation has been adjusted to
TODAY, May 21 at 3:00 pm.**

<image001.png>

State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives
From: Representative Diane V. Grendell
Date: May 10, 2021
RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race or sex is inherently superior to another race or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 21th at 3:00pm**.

Sincerely,

<image002.png>

From: Fowler Arthur, Sarah
Sent: Friday, May 21, 2021 1:27 PM
To: Hendrickson, Brandon
CC: Strope, Lauren
Subject: RE: Cosponsor List

Thank you Brandon,
Please add the following members who have requested to join as co-sponsors:

- Al Cutrona
- Ron Ferguson
- Daryl Kick
- Bob Young
- Phil Plummer

I believe this should get us to 30 members supporting the bill. If I hear back from anyone else before 3pm I will let you know.
Sarah

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Friday, May 21, 2021 12:30 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Cc: Strope, Lauren <Lauren.Strope@ohiohouse.gov>
Subject: Cosponsor List

Rep. Fowler Arthur—attached is the cosponsor list as of 12:28pm today.

-Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76th House District

(614)-644-5088

<http://www.ohiohouse.gov/diane-grendell>



From: Fowler Arthur, Sarah
Sent: Friday, May 21, 2021 1:39 PM
To: Strope, Lauren
Subject: FW: CRT Legislator Call 9 am, Wed. May 26

I spoke extensively with the OK state rep yesterday so I don't think it would be appropriate to ask him for another hour at this time.

Would you be willing to see if the TN rep who carried their CRT bill would be able to join the call Rep Grendell has set up?

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

From: Rep76 <Rep76@ohiohouse.gov>
Sent: Thursday, May 20, 2021 4:45 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: CRT Legislator Call 9 am, Wed. May 26

Rep. Fowler Arthur,

My office has arranged for a call this Wednesday, 9 am with state legislators that have passed CRT bills in their respective states. Rep. Jones's office is assisting with contacting some of the states, but as of now we have the following members scheduled for the call:

Oklahoma Senator David Bullard
Oklahoma House Representative Kevin West
Idaho House Representative Wendy Horman

We will continue to reach out to the other states that have passed similar bills to bring them to the table for a discussion.

Sincerely,

Diane Grendell

From: Hendrickson, Brandon
Sent: Friday, May 21, 2021 2:39 PM
To: Strobe, Lauren
Subject: Mark Lowery
Attachments: Cosponsor List - Prohibit Divisive Teaching Concepts.docx

<https://www.arkansashouse.org/district/39>

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell



Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

Cosponsor List – Rep. Grendell’s Legislation Prohibiting Divisive Teachings

1. **JOINT SPONSOR - Rep. Sarah Fowler**
2. **Rep. Cindy Abrams**
3. **Rep. Tim Ginter**
4. **Rep. Gary Click**
5. **Rep. Adam Holmes**
6. **Rep. Reggie Stoltzfus**
7. **Representative Jennifer Gross**
8. **Rep. Nino Vitale**
9. **Rep. Craig Riedel**
10. **Rep. Kris Jordan**
11. **Rep. Paul Zeltwanger**
12. **Rep. Jon Cross**
13. **Rep. Mark Johnson**
14. **Rep. Riordan McClain**
15. **Rep. Jay Edwards**
16. **Rep. Derek Merrin**
17. **Rep. Jean Schmidt**
18. **Rep. Bill Dean**
19. **Rep. Scott Wiggam**
20. **Rep. Tom Brinkman**
21. **Rep. Jamie Callender**
22. **Rep. Rodney Creech**
23. **Rep. Mike Loychik**
24. **Rep. Dick Stein**
25. **Rep. Jena Powell**
26. **Rep. Tom Young**
27. **Rep. Jason Stephens**
28. **Rep. Phil Plummer**
29. **Rep. Ron Ferguson**
30. **Rep. Daryl Kick**
31. **Rep. Bob Young**
32. **Rep. Tracy Richardson**
33. **Rep. Al Cutrona**

From: Strobe, Lauren
Sent: Monday, May 24, 2021 9:49 AM
To: Fowler Arthur, Sarah
Subject: RE: CRT Legislator Call 9 am, Wed. May 26

Good morning,

Brandan had arranged these speakers for another roundtable event. He was also able to add Arkansas Representative Mark Lowery. I know he has been trying to reach someone in Tennessee without any luck.

He asked that I send out a GOP invite like I did for the past meeting for this Wednesday at 9am. Is that okay with you?

From: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Sent: Friday, May 21, 2021 1:39 PM
To: Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>
Subject: FW: CRT Legislator Call 9 am, Wed. May 26

I spoke extensively with the OK state rep yesterday so I don't think it would be appropriate to ask him for another hour at this time.

Would you be willing to see if the TN rep who carried their CRT bill would be able to join the call Rep Grendell has set up?

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

From: Rep76 <Rep76@ohiohouse.gov>
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To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
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Oklahoma Senator David Bullard
Oklahoma House Representative Kevin West
Idaho House Representative Wendy Horman

We will continue to reach out to the other states that have passed similar bills to bring them to the table for a discussion.

Sincerely,

Diane Grendell

From: Fowler Arthur, Sarah
Sent: Monday, May 24, 2021 10:12 AM
To: Strope, Lauren
Subject: Re: CRT Legislator Call 9 am, Wed. May 26

Yes, that would be fine. Please specify that it will be a call with other state legislators if anyone is interested in hearing about similar work in other states and that Representative Grendell has organized the conference call to continue strengthening our bill efforts.
Sarah

Get [Outlook for Android](#)

From: Strope, Lauren <Lauren.Strope@ohiohouse.gov>
Sent: Monday, May 24, 2021 9:49:02 AM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: RE: CRT Legislator Call 9 am, Wed. May 26

Good morning,

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From: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Sent: Friday, May 21, 2021 1:39 PM
To: Strope, Lauren <Lauren.Strope@ohiohouse.gov>
Subject: FW: CRT Legislator Call 9 am, Wed. May 26

I spoke extensively with the OK state rep yesterday so I don't think it would be appropriate to ask him for another hour at this time.
Would you be willing to see if the TN rep who carried their CRT bill would be able to join the call Rep Grendell has set up?

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

From: Rep76 <Rep76@ohiohouse.gov>
Sent: Thursday, May 20, 2021 4:45 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: CRT Legislator Call 9 am, Wed. May 26

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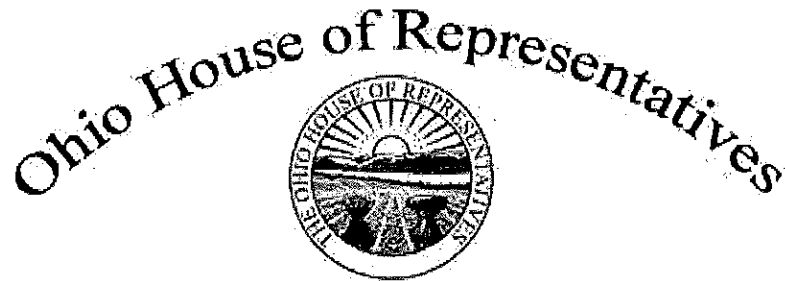
Oklahoma Senator David Bullard
Oklahoma House Representative Kevin West
Idaho House Representative Wendy Horman

We will continue to reach out to the other states that have passed similar bills to bring them to the table for a discussion.

Sincerely,

Diane Grendell

From: Strobe, Lauren
Sent: Monday, May 24, 2021 10:22 AM
BCC: Members_GOP; Staff_Legislative_Aide_GOP
Subject: CRT Information RoundTable



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur & Representative Diane Grendell
RE: CRT Information RoundTable
Date: May 24th, 2021

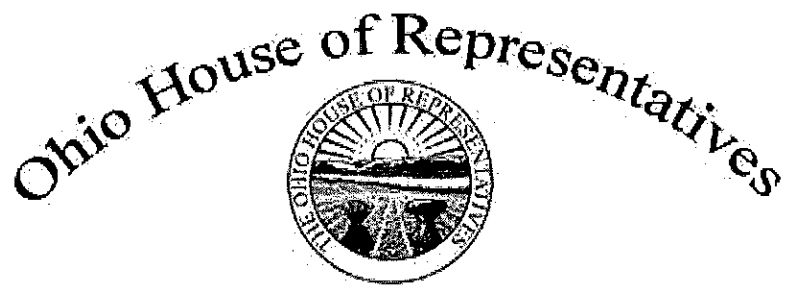
Dear Colleagues,

Thank you for taking time out of your busy schedules to learn more about Critical Race Theory in Ohio. Which we will be continuing on **Wednesday, May 24th at 9am in the Majority Conference Room on the 15th floor.**

Representatives Grendell has scheduled a conference call with Oklahoma Senator David Bullard, Oklahoma House Representative Kevin West, Idaho House Representative Wendy Horman and Arkansas House Representative Mark Lower who have passed similar legislation in other states. We are looking forward to hearing from them and continuing to strengthening our bill efforts.

Thank you!

From: Strobe, Lauren
Sent: Monday, May 24, 2021 10:22 AM
Subject: CRT Information RoundTable



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur & Representative Diane Grendell
RE: CRT Information RoundTable
Date: May 24th, 2021

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Thank you!

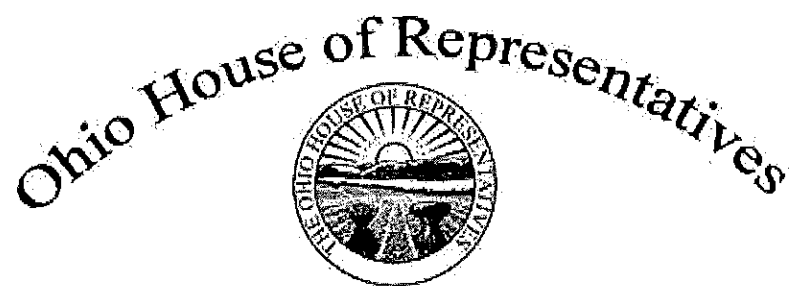
From: Bird, Adam
Sent: Monday, May 24, 2021 10:30 AM
To: Strope, Lauren
Subject: Re: CRT Information RoundTable

Hi Lauren:

Did you mean Wed May 26?

AB

From: Strope, Lauren
Sent: Monday, May 24, 2021 10:22:02 AM
Subject: CRT Information RoundTable



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur & Representative Diane Grendell
RE: CRT Information RoundTable
Date: May 24th, 2021

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Thank you!

From: Strobe, Lauren
Sent: Monday, May 24, 2021 10:36 AM
To: Bird, Adam
Subject: Re: CRT Information RoundTable

Yes, crap

Sent from my iPhone

On May 24, 2021, at 10:29 AM, Bird, Adam <Adam.Bird@ohiohouse.gov> wrote:

Hi Lauren:

Did you mean Wed May 26?

AB

From: Strobe, Lauren
Sent: Monday, May 24, 2021 10:22:02 AM
Subject: CRT Information RoundTable

<image001.jpg>

Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur & Representative Diane Grendell
RE: CRT Information RoundTable
Date: May 24th, 2021

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Thank you!

From: report@hannah.com
Sent: Tuesday, May 25, 2021 9:46 PM
To: DL_Hannah
Subject: Hannah News Stories for Tuesday, May 25, 2021

Tuesday, May 25, 2021

IN TODAY'S HANNAH REPORT:

[Please click here to read the entire Hannah Report.](#)

Today's Stories

- [Yost, Census Bureau Reach Agreement to Release Redistricting Data in August](#)
- [Bill Banning Vaccine Mandates Draws Proponents; 62 Groups Form Coalition to Oppose Bill](#)
- [McColley Testifies Bail Reform Bill Moves from Setting High Bail to Keep Offenders in Jail](#)
- [Administration Marks Anniversary of George Floyd's Death, Adopts New Police Standard](#)
- [Rep. Jones Proposal Targets Instruction on Critical Race Theory, Gender, Policy Advocacy](#)
- [Schaffer, Wiggam Offer Bills Protecting Gun Rights During Emergency Orders](#)
- [State Needs More Funding to Address Water Infrastructure, Ohio EPA Director Says](#)
- [Travel Expected to Rebound for Ohioans this Memorial Day](#)
- [Portman Talks Economy, Police Reform, Jan. 6 Investigations](#)
- [State Government Roundup: Medical Marijuana; Developmental Disabilities Council](#)
- [Ohio Digest: Home Sales](#)
- [Campus Chronicle: Malone University](#)
- [Ohio Attorney General Opinion Request](#)
- [Judicial Actions: Falter; Opinions](#)
- [Legislative Schedule Changes](#)

House Committee Reports

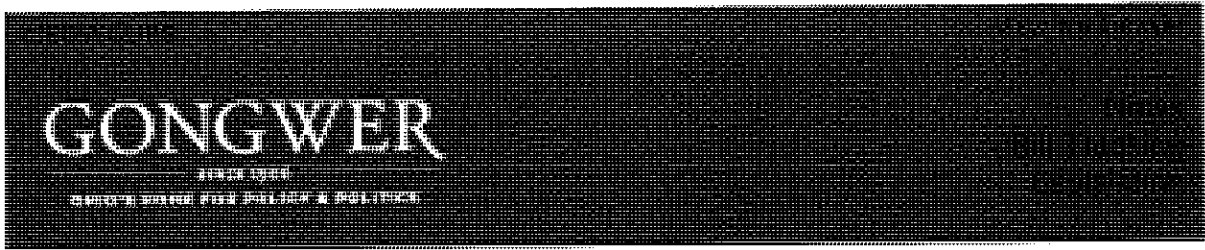
- [Agriculture and Conservation](#)
- [Civil Justice](#)
- [Health](#)
- [Primary and Secondary Education](#)
- [Rules and Reference](#)
- [Ways and Means](#)

Senate Committee Reports

- [Agriculture and Natural Resources](#)
- [Energy and Public Utilities](#)
- [Judiciary](#)
- [Primary and Secondary Education](#)
- [Veterans and Public Safety](#)

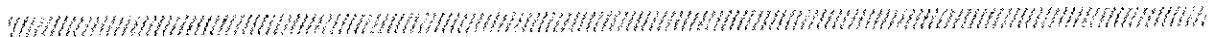
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From: Gongwer News Service
Sent: Wednesday, May 26, 2021 8:37 AM
To: Strobe, Lauren
Subject: Ohio Media Clips, Wednesday, May 26



Access to some of the stories in the Ohio Media Clips may require a subscription to that news outlet. Gongwer News Service has no control over the terms and conditions other news outlets set to access their content.

NEWS



Ohio, Census Bureau reach agreement on redistricting data (Associated Press, 5/26/2021)

Parties in Ohio bribery probe concede cash, deny wrongdoing (Associated Press, 5/26/2021)

Lebanon becomes first city in Ohio to ban abortions (Cincinnati Enquirer, 5/26/2021)

Ohio lawmakers want to protect guns during a statewide emergency. Is the change needed? (Cincinnati Enquirer, 5/26/2021)

Rep. Jim Jordan will publish a political memoir in November (Cleveland.com, 5/26/2021)

Republican Ohio lawmakers file resolution to expel indicted former Speaker Larry Householder (Cleveland.com, 5/26/2021)

Sen. Rob Portman says he's 'open' to independent probe of Jan. 6 riot (Cleveland.com, 5/26/2021)

Thirteen Democrats, two Republicans will be on August primary ballots for 11th Congressional District special election (Cleveland.com, 5/26/2021)

U.S. Census Bureau agrees to settlement providing Ohio's population data by Aug. 16, ahead of redistricting deadlines (Cleveland.com, 5/26/2021)

Anti-vaccination legislation worries Ohio health experts (Columbus Dispatch, 5/26/2021)

Democrats, Republicans move to expel former Speaker Larry Householder (Columbus Dispatch, 5/26/2021)

George Floyd: Push to name racism a public health crisis stalled in Ohio Legislature (Columbus Dispatch, 5/26/2021)

GOP Ohio lawmakers want to protect guns during a statewide emergency (Columbus Dispatch, 5/26/2021)

Lunatic, deaf and dumb and other terms would be wiped out of state law (Columbus Dispatch, 5/26/2021)

Ohio Republicans introduce bill to ban critical race theory in classrooms (Columbus Dispatch, 5/26/2021)

Should Ohio colleges be able to limit athletes' endorsement deals? (Columbus Dispatch, 5/26/2021)

Wall Street's social-justice steps to date fail to sway Sen. Sherrod Brown (Crain's Cleveland Business, 5/26/2021)

ACLU says it's prepared to take legal action against Lebanon in proposed abortion ban (Dayton Daily News, 5/26/2021)

Ohio lawmaker calls Vax-a-Million wasteful, drafting bill to halt lottery (Dayton Daily News, 5/26/2021)

Frank LaRose: Record number of Ohio businesses formed during pandemic of 2020 (Mansfield News Journal, 5/26/2021)

Swearingen touts liability bill for campground tourism (Port Clinton News Herald, 5/26/2021)

New coronavirus cases remain below average in Ohio (Toledo Blade, 5/26/2021)

Ohio Republicans move to block emergency restrictions on guns (Toledo Blade, 5/26/2021)

Ohio Supreme Court: Stark County Must Buy Voting Machines Picked by BOE (WKSU, 5/26/2021)

Cases stay low ahead of 1st \$1M drawing (Youngstown Vindicator, 5/26/2021)

EDITORIALS

Voting-rights questions are too important to be gaveled down (Cleveland.com, 5/26/2021)

Rescue Plan funds need to be used cautiously (Morning Journal, 5/26/2021)

Editorial: DeWine has not 'lost his mind' — Vax-A-Million might just be a genius move (Wilmington News Journal, 5/26/2021)

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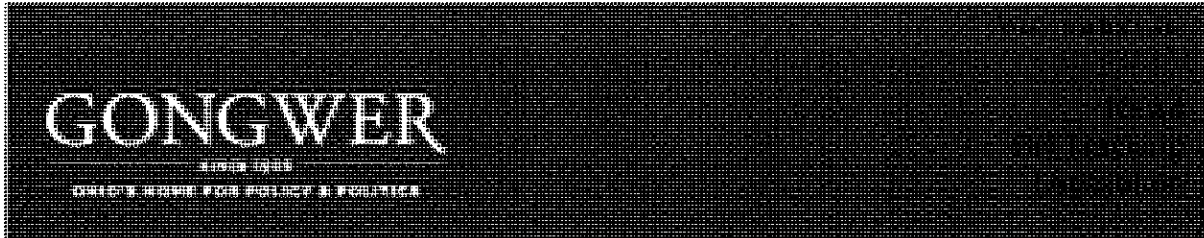
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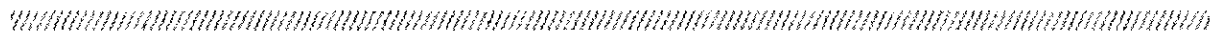
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From: Gongwer News Service
Sent: Friday, May 28, 2021 6:12 PM
To: Strope, Lauren
Subject: Ohio Report, Friday, May 28, 2021



OHIO REPORT FRIDAY, MAY 28



Unemployment Fund, Infrastructure Eyed For Federal Relief Dollars

Budget Changes Expected Next Week In Senate

Medicaid Program Weighs Federal Boost To Home, Community Services

Democrats Seek More Transparency In Redistricting Process

Police Advisory Group Sets Officer Wellness Standard

Huffman Expounds On Wind, Solar Bill; Group Launches Clean Energy Ad Campaign

FirstEnergy Fires Sixth Executive In Wake Of HB6 Scandal

New Weekly Ohio Jobless Claims Down 22%

OU Picks Next Leader; Bill Targets Critical Race Theory...

Drunken Gun Handling Case Goes To U.S. High Court; Lebanon Abortion Ban Litigation Likely...

Agency Briefs: Broadband Program Expands Telehealth Access; DOC; ODA; OSHP; ODNR; Treasurer

Supplemental Notice Of Legislative Committees

CALENDARS

////////////////////////////////////
[Day Planner](#)

[Legislative Committee Schedules](#)

[Agency Calendar](#)

[Event Planner](#)

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[unsubscribe](#)

From: Miller, Kyle
Sent: Wednesday, June 16, 2021 8:37 AM
To: Strope, Lauren
Subject: FW: CRTNews Report

Lauren,

Rep. Holmes wanted to make sure Rep. Fowler-Arthur saw this.

Thanks!

Kyle

Kyle Miller

Legislative Aide, Office of Representative Adam Holmes
Class of 2019, Capital University
Phone: (614) 644-6014
77 South High Street, 13th Floor
Columbus, OH 43215

From: Adam Holmes <adam@fruehenterprises.com>
Sent: Wednesday, June 16, 2021 8:08 AM
To: Miller, Kyle <Kyle.Miller@ohiohouse.gov>
Subject: CRTNews Report

Kyle!

Can you send this to Rep Fowler Arthur's LA? This came out really well. It's a super way to present the argument.

<https://www.news5cleveland.com/news/state/controversial-race-education-bills-enter-ohio-house-committee>

Sincerely,

Adam Holmes
Chief Executive Officer
Frueh Enterprises
Work: 740-588-0132
Cell: 740-565-0984

From: Lauren Strobe
Sent: Wednesday, June 16, 2021 9:00 AM
To: Strobe, Lauren
Subject:

Follow Up Flag: Follow up
Flag Status: Flagged

Please use this as a template for everyone that has sent us a supportive comment about HB327.
Hi xxx, have you had an opportunity to review the sub bill for HB327, promoting non discrimination in education act? We adopted a sub bill today and it is attached. We are looking for proponent testimony for next week, please let us know if you'd be interested in providing written or in person testimony and we'll follow up with the details. Representative Sarah Fowler Arthur

From: Christopher Meredith
Sent: Wednesday, June 16, 2021 10:34 AM
To: Strobe, Lauren
Subject: Re: H.B 327

Follow Up Flag: Follow up
Flag Status: Flagged

Lauren,

My number is (757) 748-9029.

Chris Meredith

Sent from my iPhone

On Jun 16, 2021, at 10:06, Lauren.Strobe@ohiohouse.gov wrote:

Christopher,

Thank you for reaching out to State Representative Fowler Arthur. Could you please provide a phone number or call our office at 614-466-1405 to further discuss this issue.

Thank you!

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

From: Strobe, Lauren

Sent: Wednesday, June 16, 2021 11:07 AM

To: 'ohiomp@hotmail.com'

Subject: HB 327 Proponent Testimony

Attachments: Accessible Witness Information Form.docx; Accessible Witness Information Form.pdf

Dear Christopher,

Thank you for your support of HB 327, a bill to promote non-discrimination and prevent the promotion of divisive concepts in K-12 and higher education and state and local government employment.

As you may have seen, I offered Sponsor testimony 06/15/2021 in the Ohio House State and Local Government Committee. The next step is proponent testimony.

If you would like to share your support of the bill in writing or in person over the next few weeks (and possibly as soon as next week), please consider the following:

1. A substitute version of HB 327 was adopted in committee Tuesday, it is attached so that you can be knowledgeable about the bill.
2. Testimony should be addressed as follows: Chairman Wiggam, Vice-Chair John, Ranking Member Kelly and members of the Ohio House State and Local Government Committee...
3. Testimony should be sent a minimum of 24 hours in advance to the Chairman's office: to Dillon.Barto@ohiohouse.gov. Please cc Lauren.Strobe@ohiohouse.gov and Brandon.Hendrickson@ohiohouse.gov
4. We would be happy to assist you with any questions you may have about the bill or review any testimony upon request. Please write to rep99@ohiohouse.gov

Thank you again for your interest in and support of this legislation.

Sincerely,

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: _____

Name: _____

Are you representing: Yourself Organization

Organization (If Applicable): _____

Position/Title: _____

Address: _____

City: _____ State: _____ Zip: _____

Best Contact Telephone: _____ Email: _____

Do you wish to be added to the committee notice email distribution list? Yes No

Business before the committee

Legislation (Bill/Resolution Number): _____

Specific Issue: _____

Are you testifying as a: Proponent Opponent Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? _____

Please provide a brief statement on your position:

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date:

Name:

Are you representing: Yourself Organization

Organization (If Applicable):

Position/Title:

Address:

City: State: Zip:

Best Contact Telephone: Email:

Do you wish to be added to the committee notice email distribution list? Yes No

Business before the committee

Legislation (Bill/Resolution Number):

Specific Issue:

Are you testifying as a: Proponent Opponent Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require?

Please provide a brief statement on your position:

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

From: Rep76
Sent: Thursday, June 17, 2021 3:52 PM
To: Fowler Arthur, Sarah
CC: Strobe, Lauren
Subject: FW: Bill Draft Mark Write-Up
Attachments: l_134_1448-3 write-up.pdf

Representative Fowler Arthur,

Forwarded are Representative Seitz's recommendations for House Bill 327. I do not agree with all of them, but do agree with some of them.

Sincerely,

Diane V. Grendell
State Representative
Ohio House District 76

From: Rep30 <Rep30@ohiohouse.gov>
Sent: Wednesday, June 16, 2021 9:11 AM
To: Grendell, Diane <Diane.Grendell@ohiohouse.gov>
Cc: Rep76 <Rep76@ohiohouse.gov>
Subject: Bill Draft Mark Write-Up

Diane,

My cross-outs and comments are in pen on the enclosed. I continue to advocate that simpler is better, a la the Idaho bill.

Sincerely,

William J. Seitz

Majority Floor Leader
Ohio House of Representatives
77 S. High Street, 14th Floor
Columbus, Ohio 43215
(614) 466-8258

Reviewed As To Form By
Legislative Service Commission

Diane -
M7 (cross)-outs and
numbers are
below. I

L_134_1448-3

134th General Assembly
Regular Session
2021-2022

in pen
Sub. H. B. No. 327

(underline) to correct that
— simpler is better,

A BILL

To amend sections 3313.21, 3314.03, and 3326.11 and
to enact sections 3313.6027, 3345.0215, and
4113.35 of the Revised Code to enact "The
Promoting Education Not Indoctrination Act"
regarding the teaching of divisive concepts by
public schools, state institutions of higher
education, political subdivisions, and state
agencies.


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bill.

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

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

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

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


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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" 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

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sex.

(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.

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

(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.

(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.

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

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

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

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

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(B) (1) No school district, community school established
under Chapter 3314. of the Revised Code, STEM school established
under Chapter 3326. of the Revised Code, or school building
operated by a school district or school shall teach, instruct,
train, or promote professional development in any divisive
concepts, nor shall any school district, school, or building
require a student to advocate for or against a specific topic or
point of view to receive credit across every subject area for
any coursework or for graduation credit.

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

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(3) No school teacher, administrator, or other school
employee shall face any penalty or discrimination on account of
the school teacher's, administrator's, or other school
employee's refusal to support, believe, endorse, embrace,
confess, act upon, or otherwise assent to divisive concepts. No
school teacher, administrator, or other school employee shall be
required to complete a curriculum including divisive concepts as
a condition or prerequisite of employment.

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(C) (1) If the superintendent of public instruction

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determines through a confirmed report from a student, parent, 104
teacher, or community member that any school district knowingly 105
or recklessly violates the prohibitions prescribed in division 106
(B) of this section, the department of education shall withhold 107
state funding from the district or school in the following 108
amounts: 109

- (a) For a first offense, twenty-five per cent; 110
- (b) For a second offense, fifty per cent; 111
- (c) For a third offense, one hundred per cent. 112

The withholding of funds described in division (C)(1) of 113
this section shall remain in effect until such time as the state 114
superintendent confirms the district or school no longer is in 115
violation of division (B) of this section. 116

(2) If the state board of education determines through a 117
confirmed report from a student, parent, teacher, or community 118
member that a teacher, principal, or school district 119
superintendent knowingly or recklessly violates the prohibitions 120
prescribed by division (B) of this section, the state board 121
shall take the following action: 122

(a) For a first offense, issue an official licensure 123
admonishment; 124

(b) For a second offense, suspend the teacher's, 125
principal's, or superintendent's licensure for a period of time 126
determined by the state board based upon the severity and 127
circumstances of the offense that led to the suspension; 128

(c) For a third offense, revoke the teacher's, 129
principal's, or superintendent's licensure. 130

(D)(1) If a student completes a course that includes any 131

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of the concepts described in division (A)(1) of this section, that course shall not count towards the requirements for high school graduation specified in section 3313.603 of the Revised Code.

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

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

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

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

(3) The state board shall prepare an annual report regarding the adoption and enforcement of this section and submit the report to the general assembly in accordance with section 101.68 of the Revised Code. The report shall provide detailed information on any confirmed report submitted in accordance with division (C)(1) or (2) of this section and a copy of each complaint filed in accordance with division (D)(1) of this section. The state board shall submit the report on or

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before the last day of June each year, beginning in 2022.

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

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

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

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

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

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

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

(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;

(b) The assignment of a grade or score for completion or

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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 and the teacher shall not penalize or reward a student based upon the content of the student's work; 189
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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; 195
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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; 200
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(e) Student research, practice, public speaking, other assigned tasks, and questions. 204
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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. 206
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 211
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(1) That the school shall be established as either of the following: 214
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 216
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2003;	219
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	220
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	221
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	225
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(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	229
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	233
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(6) (a) Dismissal procedures;	237
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	238
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	243
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(8) Requirements for financial audits by the auditor of	245

state. The contract shall require financial records of the	246
school to be maintained in the same manner as are financial	247
records of school districts, pursuant to rules of the auditor of	248
state. Audits shall be conducted in accordance with section	249
117.10 of the Revised Code.	250
(9) An addendum to the contract outlining the facilities	251
to be used that contains at least the following information:	252
(a) A detailed description of each facility used for	253
instructional purposes;	254
(b) The annual costs associated with leasing each facility	255
that are paid by or on behalf of the school;	256
(c) The annual mortgage principal and interest payments	257
that are paid by the school;	258
(d) The name of the lender or landlord, identified as	259
such, and the lender's or landlord's relationship to the	260
operator, if any.	261
(10) Qualifications of teachers, including a requirement	262
that the school's classroom teachers be licensed in accordance	263
with sections 3319.22 to 3319.31 of the Revised Code, except	264
that a community school may engage noncertificated persons to	265
teach up to twelve hours or forty hours per week pursuant to	266
section 3319.301 of the Revised Code.	267
(11) That the school will comply with the following	268
requirements:	269
(a) The school will provide learning opportunities to a	270
minimum of twenty-five students for a minimum of nine hundred	271
twenty hours per school year.	272
(b) The governing authority will purchase liability	273

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insurance, or otherwise provide for the potential liability of the school.

(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.

(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, 3313.6027, 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 Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for

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the first time before July 1, 2010, the requirement in sections 304
 3313.61 and 3313.611 of the Revised Code that a person must 305
 successfully complete the curriculum in any high school prior to 306
 receiving a high school diploma may be met by completing the 307
 curriculum adopted by the governing authority of the community 308
 school rather than the curriculum specified in Title XXXVIII of 309
 the Revised Code or any rules of the state board of education. 310
 Beginning with students who enter ninth grade for the first time 311
 on or after July 1, 2010, the requirement in sections 3313.61 312
 and 3313.611 of the Revised Code that a person must successfully 313
 complete the curriculum of a high school prior to receiving a 314
 high school diploma shall be met by completing the requirements 315
 prescribed in division (C) of section 3313.603 of the Revised 316
 Code, unless the person qualifies under division (D) or (F) of 317
 that section. Each school shall comply with the plan for 318
 awarding high school credit based on demonstration of subject 319
 area competency, and beginning with the 2017-2018 school year, 320
 with the updated plan that permits students enrolled in seventh 321
 and eighth grade to meet curriculum requirements based on 322
 subject area competency adopted by the state board of education 323
 under divisions (J)(1) and (2) of section 3313.603 of the 324
 Revised Code. Beginning with the 2018-2019 school year, the 325
 school shall comply with the framework for granting units of 326
 high school credit to students who demonstrate subject area 327
 competency through work-based learning experiences, internships, 328
 or cooperative education developed by the department under 329
 division (J)(3) of section 3313.603 of the Revised Code. 330

 (g) The school governing authority will submit within four 331
 months after the end of each school year a report of its 332
 activities and progress in meeting the goals and standards of 333
 divisions (A)(3) and (4) of this section and its financial 334

status to the sponsor and the parents of all students enrolled 335
in the school. 336

(h) The school, unless it is an internet- or computer- 337
based community school, will comply with section 3313.801 of the 338
Revised Code as if it were a school district. 339

(i) If the school is the recipient of moneys from a grant 340
awarded under the federal race to the top program, Division (A), 341
Title XIV, Sections 14005 and 14006 of the "American Recovery 342
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 343
the school will pay teachers based upon performance in 344
accordance with section 3317.141 and will comply with section 345
3319.111 of the Revised Code as if it were a school district. 346

(j) If the school operates a preschool program that is 347
licensed by the department of education under sections 3301.52 348
to 3301.59 of the Revised Code, the school shall comply with 349
sections 3301.50 to 3301.59 of the Revised Code and the minimum 350
standards for preschool programs prescribed in rules adopted by 351
the state board under section 3301.53 of the Revised Code. 352

(k) The school will comply with sections 3313.6021 and 353
3313.6023 of the Revised Code as if it were a school district 354
unless it is either of the following: 355

(i) An internet- or computer-based community school; 356

(ii) A community school in which a majority of the 357
enrolled students are children with disabilities as described in 358
division (A) (4) (b) of section 3314.35 of the Revised Code. 359

(l) The school will comply with section 3321.191 of the 360
Revised Code, unless it is an internet- or computer-based 361
community school that is subject to section 3314.261 of the 362
Revised Code. 363

(12) Arrangements for providing health and other benefits to employees;	364 365
(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.	366 367 368 369
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	370 371
(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.	372 373 374
(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;	375 376 377 378
(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 the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	379 380 381 382 383 384 385 386 387 388 389
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	390 391 392

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(19) A provision requiring the governing authority to	393
adopt a policy regarding the admission of students who reside	394
outside the district in which the school is located. That policy	395
shall comply with the admissions procedures specified in	396
sections 3314.06 and 3314.061 of the Revised Code and, at the	397
sole discretion of the authority, shall do one of the following:	398
(a) Prohibit the enrollment of students who reside outside	399
the district in which the school is located;	400
(b) Permit the enrollment of students who reside in	401
districts adjacent to the district in which the school is	402
located;	403
(c) Permit the enrollment of students who reside in any	404
other district in the state.	405
(20) A provision recognizing the authority of the	406
department of education to take over the sponsorship of the	407
school in accordance with the provisions of division (C) of	408
section 3314.015 of the Revised Code;	409
(21) A provision recognizing the sponsor's authority to	410
assume the operation of a school under the conditions specified	411
in division (B) of section 3314.073 of the Revised Code;	412
(22) A provision recognizing both of the following:	413
(a) The authority of public health and safety officials to	414
inspect the facilities of the school and to order the facilities	415
closed if those officials find that the facilities are not in	416
compliance with health and safety laws and regulations;	417
(b) The authority of the department of education as the	418
community school oversight body to suspend the operation of the	419
school under section 3314.072 of the Revised Code if the	420

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department has evidence of conditions or violations of law at	421
the school that pose an imminent danger to the health and safety	422
of the school's students and employees and the sponsor refuses	423
to take such action.	424
(23) A description of the learning opportunities that will	425
be offered to students including both classroom-based and non-	426
classroom-based learning opportunities that is in compliance	427
with criteria for student participation established by the	428
department under division (H) (2) of section 3314.08 of the	429
Revised Code;	430
(24) The school will comply with sections 3302.04 and	431
3302.041 of the Revised Code, except that any action required to	432
be taken by a school district pursuant to those sections shall	433
be taken by the sponsor of the school. However, the sponsor	434
shall not be required to take any action described in division	435
(F) of section 3302.04 of the Revised Code.	436
(25) Beginning in the 2006-2007 school year, the school	437
will open for operation not later than the thirtieth day of	438
September each school year, unless the mission of the school as	439
specified under division (A) (2) of this section is solely to	440
serve dropouts. In its initial year of operation, if the school	441
fails to open by the thirtieth day of September, or within one	442
year after the adoption of the contract pursuant to division (D)	443
of section 3314.02 of the Revised Code if the mission of the	444
school is solely to serve dropouts, the contract shall be void.	445
(26) Whether the school's governing authority is planning	446
to seek designation for the school as a STEM school equivalent	447
under section 3326.032 of the Revised Code;	448
(27) That the school's attendance and participation	449

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451	policies will be available for public inspection;
452	(28) That the school's attendance and participation
453	records shall be made available to the department of education,
454	auditor of state, and school's sponsor to the extent permitted
455	under and in accordance with the "Family Educational Rights and
456	Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,
457	and any regulations promulgated under that act, and section
458	3319.321 of the Revised Code;
459	(29) If a school operates using the blended learning
460	model, as defined in section 3301.079 of the Revised Code, all
461	of the following information:
462	(a) An indication of what blended learning model or models
463	will be used;
464	(b) A description of how student instructional needs will
465	be determined and documented;
466	(c) The method to be used for determining competency,
467	granting credit, and promoting students to a higher grade level;
468	(d) The school's attendance requirements, including how
469	the school will document participation in learning
470	opportunities;
471	(e) A statement describing how student progress will be
472	monitored;
473	(f) A statement describing how private student data will
474	be protected;
475	(g) A description of the professional development
476	activities that will be offered to teachers.
	(30) A provision requiring that all moneys the school's

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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; 477
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(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. 481
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(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. 486
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(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. 491
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(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 496
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(1) The process by which the governing authority of the school will be selected in the future; 498

(2) The management and administration of the school; 499
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(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 to attend the converted school and for teachers who choose not to teach in the school or building after conversion; 503
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(4) The instructional program and educational philosophy 506

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of the school;

(5) Internal financial controls.

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

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

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

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

(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

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the department of education and to the parents of students	534
enrolled in the community school;	535
(4) Provide technical assistance to the community school	536
in complying with laws applicable to the school and terms of the	537
contract;	538
(5) Take steps to intervene in the school's operation to	539
correct problems in the school's overall performance, declare	540
the school to be on probationary status pursuant to section	541
3314.073 of the Revised Code, suspend the operation of the	542
school pursuant to section 3314.072 of the Revised Code, or	543
terminate the contract of the school pursuant to section 3314.07	544
of the Revised Code as determined necessary by the sponsor;	545
(6) Have in place a plan of action to be undertaken in the	546
event the community school experiences financial difficulties or	547
closes prior to the end of a school year.	548
(E) Upon the expiration of a contract entered into under	549
this section, the sponsor of a community school may, with the	550
approval of the governing authority of the school, renew that	551
contract for a period of time determined by the sponsor, but not	552
ending earlier than the end of any school year, if the sponsor	553
finds that the school's compliance with applicable laws and	554
terms of the contract and the school's progress in meeting the	555
academic goals prescribed in the contract have been	556
satisfactory. Any contract that is renewed under this division	557
remains subject to the provisions of sections 3314.07, 3314.072,	558
and 3314.073 of the Revised Code.	559
(F) If a community school fails to open for operation	560
within one year after the contract entered into under this	561
section is adopted pursuant to division (D) of section 3314.02	562

of the Revised Code or permanently closes prior to the 563
expiration of the contract, the contract shall be void and the 564
school shall not enter into a contract with any other sponsor. A 565
school shall not be considered permanently closed because the 566
operations of the school have been suspended pursuant to section 567
3314.072 of the Revised Code. 568

Sec. 3326.11. Each science, technology, engineering, and 569
mathematics school established under this chapter and its 570
governing body shall comply with sections 9.90, 9.91, 109.65, 571
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 572
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 573
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 574
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 575
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 576
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 577
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 578
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 579
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 580
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 581
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 582
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 583
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 584
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 585
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 586
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 587
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 588
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 589
4123., 4141., and 4167. of the Revised Code as if it were a 590
school district. 591

Sec. 3345.0215. (A) As used in this section, "divisive 592
concepts" has the same meaning as in section 3313.6027 of the 593

Revised Code.

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

(2) No state institution of higher education 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 institution of higher education in support or promotion of any divisive concept.

(3) No employee of a state institution of higher education 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 employee shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment.

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

(C)(1) If the chancellor of higher education determines through a confirmed report from a student, parent, professor, or community member that any state institution of higher education violates the prohibitions prescribed in division (B) of this section, the department of higher education shall withhold state share of instruction funds from the institution in the following amounts:

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

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

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

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

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

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

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

(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;

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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.

(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;

(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;

(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.

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

(1) Develop a policy that complies with the requirements of this section and incorporates the requirements of diversity and inclusion efforts and encourages employees of state institutions of higher education not to judge each other by

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their nationality, race, color, ethnicity, religion, sex, or any other characteristic protected by federal or state law. To the extent that it is appropriate for use by state institutions of higher education, the policy shall be substantially similar to the policy developed by the department of administrative services pursuant to division (E)(1) of section 4113.35 of the Revised Code. 681
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(2) Establish rules in accordance with Chapter 119. of the Revised Code for the implementation and enforcement of the policy; 688
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(3) Prepare a biennial report regarding adoption and enforcement of this section and submit the report to the general assembly in accordance with section 101.68 of the Revised Code. The report shall provide detailed information on any confirmed report submitted in accordance with division (C) of this section. The chancellor shall submit the report not later than the last day of November of each even numbered year, beginning in 2022. 691
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(F) Nothing in this section shall be construed to prohibit any of the following: 699
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(1) Discussing or using supplemental instructional materials, as part of a larger course of academic instruction, to teach about divisive concepts in an objective manner and without endorsement. Such materials may include the following: 701
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(a) The history of an ethnic group, as described in textbooks and instructional materials selected in accordance with the textbook selection policy adopted in accordance with section 3345.025 of the Revised Code; 705
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(b) The impartial discussion of controversial aspects of 70

history:

(c) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; 710
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(d) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions. 714
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(2) In a course of instruction on public speaking, speech, formal debate, or substantially similar subject matter, any of the following: 718
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(a) The assignment of research, topics of debate, public speaking prompts, or other tasks that are controversial or addresses a divisive concept, provided the professor does not lead or participate in discussion on the merits of any divisive concept; 721
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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 and the professor shall not penalize or reward a student based upon the content of the student's work; 726
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(c) Unbiased and impartial questions posed by a professor that are meant to promote discussion between students, provided the professor does not participate in that discussion and does not comment upon any divisive content contained in the student's work; 733
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(d) Respectful student to student discussion or debate, 738

notwithstanding the fact it may address divisive concepts, 739
provided the professor does not participate except to enforce 740
classroom decorum or rules of the state institution of higher 741
education; 742

(e) Student research, practice, public speaking, other 743
assigned tasks, and questions. 744

Sec. 4113.35. (A) As used in this section: 745

(1) "Divisive concepts" has the same meaning as in section 746
3313.6027 of the Revised Code. 747

(2) "State agency" means every organized body, office, or 748
agency established by the laws of the state for the exercise of 749
any function of state government, the public employees 750
retirement system, the Ohio police and fire pension fund, the 751
state teachers retirement system, the school employees 752
retirement system, and the state highway patrol retirement 753
system. 754

(3) "Political subdivision" has the same meaning as in 755
section 9.23 of the Revised Code. 756

(B)(1) No state agency or political subdivision shall 757
offer teaching, instruction, or training on divisive concepts to 758
any employees, contractors, staff members, or any other 759
individual or group or require them to adopt or believe in 760
divisive concepts. 761

(2) No state employee or political subdivision employee 762
shall face any penalty or discrimination on account of the 763
employee's refusal to support, believe, endorse, embrace, 764
confess, act upon, or otherwise assent to divisive concepts. No 765
state employee or political subdivision employee shall be 766
required to complete a curriculum including divisive concepts as 767

a condition or prerequisite of employment.

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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.

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(C) The administrative head of each state agency shall do the following:

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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.

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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.

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(3) Ensure that divisive concepts are not taught, 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;

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(4) Encourage agency employees not to judge each other by

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their nationality, race, color, ethnicity, religion, sex, or any 797
other characteristic protected by federal or state law; 798

(5) Issue to all agency employees the policy developed 799
under division (E) of this section, annually review and assess 800
the agency's compliance with the policy, and submit a report to 801
the department of administrative services regarding the agency's 802
compliance. At least one employee of the agency shall be 803
responsible for ensuring compliance with the requirements of the 804
policy. 805

(D) The legislative authority of each political 806
subdivision shall do the following: 807

(1) Review the political subdivision's respective grant 808
programs to identify which programs may require grant 809
recipients, as a condition of receiving a grant from the 810
political subdivision, to certify that the recipient shall not 811
use grant funds to promote divisive concepts; 812

(2) Review all training programs for political subdivision 813
employees relating to diversity or inclusion to ensure the 814
programs comply with the requirements of division (B) of this 815
section. If a training program provided by a contracted entity 816
relates to diversity or inclusion that teaches, advocates, or 817
promotes divisive concepts and violates the applicable contract, 818
the legislative authority of the political subdivision shall 819
evaluate whether to pursue debarment of the contractor, 820
consistent with applicable law and regulation. 821

(3) Ensure that divisive concepts are not taught, 822
advocated, acted upon, or promoted by the political subdivision, 823
the political subdivision's employees during work hours, or any 824
contractor hired by the political subdivision to provide 825

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training, workshops, forums, or similar programming to the political subdivision's employees; 826
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(4) Encourage political subdivision employees not to judge each other by their nationality, race, color, ethnicity, religion, sex, or any other characteristic protected by federal or state law; 828
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(5) Issue to all political subdivision employees the policy developed under division (E) of this section, annually review and assess the political subdivision's compliance with the policy, and submit a report to the department of administrative services regarding the political subdivision's compliance. At least one employee of the political subdivision shall be responsible for ensuring compliance with the requirements of the policy. 832
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(E)(1) The department of administrative services shall develop a policy that complies with the requirements of this section and incorporates the requirements of diversity and inclusion efforts and encourages state employees and political subdivision employees not to judge each other by their nationality, race, color, ethnicity, religion, sex, or any other characteristic protected by federal or state law. 840
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(2) The department shall establish rules in accordance with Chapter 119. of the Revised Code for the implementation and enforcement of the policy. 847
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(3) The department shall prepare a biennial report regarding compliance with this section by state and political subdivision employees and submit the report to the general assembly in accordance with section 101.68 of the Revised Code. The department shall submit the report not later than the last 850
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day of November of each even numbered year, beginning in 2022.

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

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

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

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

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

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

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

Section 4. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the following sections, presented in this act as composites of the sections as amended by the acts indicated, are the resulting versions of the

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sections in effect prior to the effective date of the sections as presented in this act:	883
Section 3314.03 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 89, all of the 133rd General Assembly.	884
Section 3326.11 of the Revised Code as amended by H.B. 123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd General Assembly.	885
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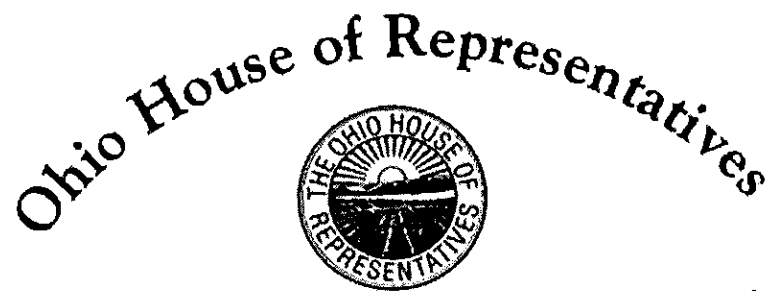
From: Rep76

Sent: Friday, May 21, 2021 10:32 AM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Please Note: The deadline to cosponsor this legislation has been adjusted to TODAY, May 21 at 3:00 pm.



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives
From: Representative Diane V. Grendell
Date: May 10, 2021
RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse,

teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race or sex is inherently superior to another race or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 21th at 3:00pm.**

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Mick Rieser
Sent: Wednesday, March 31, 2021 6:58 PM
To: Rep93
CC: Rep94
Subject: Fwd: Texas Legislators take action on Critical RACE Theory in Schools
Attachments: Scan0071.pdf

please read below email and open the attachment for review

----- Forwarded message -----

From: **Mick Rieser** <mickrfs@gmail.com>
Date: Wed, Mar 31, 2021 at 6:53 PM
Subject: Fwd: Texas Legislators take action on Critical RACE Theory in Schools
To: <Rep83@ohiohouse.gov>
Cc: <Rep84@ohiohouse.gov>

Please read below email and open attachments for your review

----- Forwarded message -----

From: **Mick Rieser** <mickrfs@gmail.com>
Date: Wed, Mar 31, 2021 at 5:12 PM
Subject: Fwd: Texas Legislators take action on Critical RACE Theory in Schools
To: <Rep50@ohiohouse.gov>
Cc: <Rep51@ohiohouse.gov>

Please read email below and attachment

----- Forwarded message -----

From: **Mick Rieser** <mickrfs@gmail.com>
Date: Wed, Mar 31, 2021 at 5:07 PM
Subject: Fwd: Texas Legislators take action on Critical RACE Theory in Schools
To: <Rep40@ohiohouse.gov>
Cc: <Rep41@ohiohouse.gov>

Please see below email and attached

----- Forwarded message -----

From: **Mick Rieser** <mickrfs@gmail.com>
Date: Wed, Mar 31, 2021 at 4:32 PM
Subject: Texas Legislators take action on Critical RACE Theory in Schools
To: <Rep23@ohiohouse.gov>
Cc: <Rep27@ohiohouse.gov>

Please read the attached article where Texas State Representative James White , A Republican from the 19th district, introduces a comprehensive bill to eliminate critical theory's primary components from schools in the state. I attached 2 articles also on the kinds of despicable happenings in public schools- that educators and students are being subjected to.

I am hoping you all will follow in the footsteps of what Texas and other states have done to eliminate critical theory from upending the fundamental American values of equal opportunity , individual responsibility and unity. I discussed this with the DOE and they said it would have to be done probably by changes in the ORC

--

Mick Rieser
Columbus, Oh
614-715-6333
email- mickrfs@gmail.com

--

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Fenestration Solutions, LLC
Columbus, Oh
614-715-6333
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Columbus, Oh
614-715-6333
email- mickrfs@gmail.com

Texas Legislator Introduces Bill to Take Critical Theory and Politics Out of the Classroom

State Representative James White, a Republican who represents District 19 in Texas, has submitted a comprehensive bill to eliminate critical theory's primary components from schools in the state. The bill has left the committee and had its first reading on the floor. It also specifies civics instruction guidelines that include using the founding documents and other significant pieces as required lessons. The bill also prevents teachers from being pressured into teaching contentious current events and requires presenting both sides of the issue if they do cover them.

Perhaps just as important, the proposed changes prohibit state agencies, school districts, teachers, and administrators in Texas from taking any private funds for curriculum development, purchasing materials, or staff training. The Gates Foundation is the hardest hit. The charity has put millions into Common Core, and a new math curriculum that teaches asking minority children to show their work in middle school is racist. Schools in Texas will no longer serve as a lab for Gates and other activists' bizarre social experiments.

Without explicitly calling out the current high-profile purveyors of critical race theory, like Ibram X. Kendi or Robin Di Angelo, White's legislation eloquently and specifically prohibits the elements of the kinds of curriculum that promote race essentialism, collective guilt or victimhood, and neo-segregation. Texas's contribution could serve as model legislation for any other state concerned with critical theory upending the fundamental American values of equal opportunity, individual responsibility, and unity.

The bill will also eliminate the need for parents to sue under Title VI of the Civil Rights Act of 1964, Title IX of the Education Amendments of 1972, or similar legislation at the state level. Lawsuits are expensive, lengthy, and contentious, especially for a hotly debated issue such as critical race theory. It also prevents the worst-case scenario that played out in Loudon County, Virginia. Public officials and teachers created a Facebook page to expose and publicly shame any parent who objected to the equity and social justice curriculum they were using.

The bill as submitted amends Section 28.002 of the education code by adding three subsections. The first one details the elements of civics instruction that a social studies curriculum must include:

- The fundamental moral, political, and intellectual foundations of the American experiment in self-government in the United States
- The history qualities, traditions, and features of civic engagement
- The structure, function, and processes of government institutions at the local, state, and federal level
- Specific foundational documents: the Declaration of Independence, the Constitution, specific Federalist Papers, excerpts from Alexis de Tocqueville's "Democracy in America," the first Lincoln-Douglas debate, and other writings by the Founding Fathers.

To protect teachers from being compelled to discuss controversial events and bringing activism into the classroom, the language in the second subsection is robust:

- No teacher can be compelled by any agency or administrator to discuss current events or controversial issues in public policy and the culture.
- If a teacher chooses to discuss these matters, they need to make an effort to present all sides without giving deference to any.
- No course can include as part of a grade, service learning, or extra credit opportunity students working with any organization lobbying for a cause or legislation at the local, state, or federal level.
- No course can include as part of a grade, service learning, or extra credit opportunity for a practicum in public policy advocacy, lobbying, or efforts to persuade the government on public or social policy.

The second subsection also prohibits specific types of training for school staff, teachers, administrators, and employees in state agencies in Texas. It specifically bans any form of race or sex stereotyping and any assignment of blame based on race or sex. For students, the prohibition on what may be taught or required in any course is even more specific. It covers the underlying themes of critical race theory and critical gender theory. The concepts that are not allowed are any content that teaches:

- One race or sex is inherently superior to another.
- By virtue of their race or sex, an individual is inherently racist, sexist, or oppressive, whether consciously or unconsciously.
- An individual should be discriminated against or receive adverse treatment solely or partly because of their race or sex.
- Members of one race or sex cannot or should not attempt to treat others without respect to race or sex.
- Their race or sex determines an individual's moral character.
- An individual bears responsibility for the past actions of others of the same race or sex.
- An individual should feel discomfort, guilt, or any other form of psychological distress based on their race or sex.
- Meritocracy or traits such as a work ethic are racist or sexist or created to oppress members of a particular race.

Perhaps there is room to quibble about the core concepts for the civics curriculum. However, there is little room for debate about the remainder of the bill. Public schools, and this bill applies to public and open-enrollment charters in Texas, should be institutions that develop skills and knowledge that children can eventually use in the workplace. Educators should seek to help students discover their strengths and talents while assisting them in acquiring skills and mechanisms to reduce their weaknesses. The ability to work in teams and in a self-directed manner are also keys to success. Training them to be activists serves no one long term.

None of this can happen if we sort children based on the circumstances of their birth or make assumptions because of how they look. Congratulations to state Rep. White and Texas for having the courage to address critical theory head-on to benefit young Texans. Other states should take note and follow suit.



Virginia County School Advisory Board Demands Firing of Teachers who Disagree with Critical Race Theory - American Greatness

Wednesday, March 31st 2021, 1:02:32 pm article views: 912

In Loudoun County, Virginia, an advisory board for the school district demanded that any and all teachers who criticize critical race theory, and other far-left...

Andrew Torba reposted



RT @RTintl

18h · 🗨️

School shows images of [CENSORED] to kids???

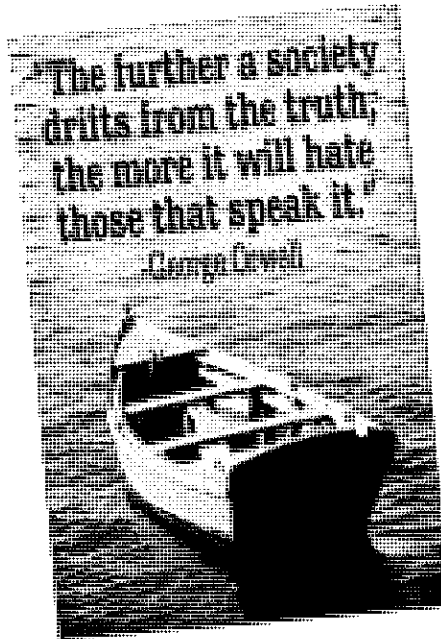
Elementary school children in Greenwich, Connecticut were exposed to cartoon images of an ERECT PENIS during a presentation about "social and emotional learning".

The age-inappropriate part shows a cartoon adult standing next to his children, naked, with an erect penis for several seconds as an example of a "fear-inducing situation".

Superintendent Dr. Toni Jones says the cartoon was probably meant for a private therapy session for traumatized children, rather than the entire second grade student body.

From: Auburntownship.org
Sent: Thursday, April 1, 2021 9:40 PM
To: Rep99
Subject: CATTLE RANCHER EXPLAINS PERILS OF THE GREEN 30 X 30 CONSERVATION PLAN

[View this email in your browser](#)



CATTLE RANCHER EXPLAINS PERILS OF THE GREEN 30 X 30 CONSERVATION PLAN

SB22 AND ITS UNCONSTITUTIONALITY

Published Thursday, April 1, 2021

REPRESENTATIVE DIANE GREDELL IN THE NEWS

Published Thursday, April 1, 2021

BIDEN'S GREEN 30 X 30 PLAN

Published Thursday, April 1, 2021

REPUBLICAN STATES PUSH BACK AGAINST CRITICAL RACE THEORY

Published Thursday, April 1, 2021

From: S.T. Karnick
Sent: Friday, April 9, 2021 10:59 AM
To: Rep99
Subject: The Latest from School Reform News: Report: Tens of Thousands of Illinois Students Didn't Attend School Last Fall



Report: Tens of Thousands of Illinois Students Didn't Attend School Last Fall



Early estimates from state officials show tens of thousands of Illinois students didn't attend school in 2020.

When the school year began last fall, a survey from the Illinois State Board of Education (ISBE) found that 921,000 students would only be offered virtual learning in lieu of an open classroom, in response to COVID-19.

The ISBE recently revealed preliminary attendance figures that showed as of October 1 a startling number of students simply didn't show up for class.

The presentation from ISBE Chief Research and Evaluation Officer Brenda Dixon showed an estimated loss of 35,822 public school students. That's the equivalent of nearly 2 percent of the prior year's enrollment.

"That represents nearly twice what the decline was expected to be," said Melissa Figueira, a senior policy associate with Advance Illinois.

Figueira's organization has suggested the state eliminate summer break to help students catch up on the learning losses that resulted from the school closures. ([READ MORE](#))

Read the latest from The Heartland Institute's [School Reform News](#), edited by S.T. Karnick, a section of our new website, [Heartland Daily News](#).

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Video of the Week

In the Tank, Ep 288: Vaccine Passports, Infrastructure Bill

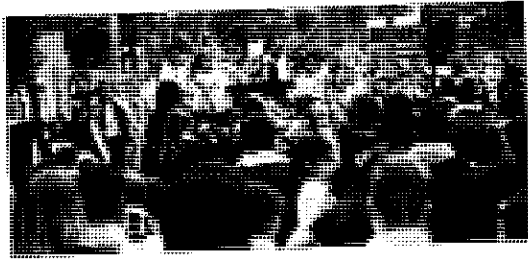


The Heartland Institute's Donald Kendall, Jim Lokely, and Nate Myers present episode 288 of the In The Tank Podcast.

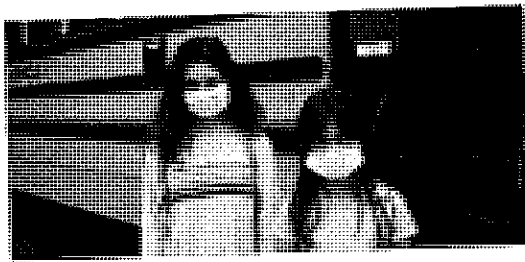
New York has officially launched their "vaccine passport" program for COVID, which grants permission to citizens who have received their vaccine to access sporting events and other public places. The ITT crew gives their take on this plan. Later, they talk to explain how the proposed "infrastructure" bill is Green New Deal legislation in disguise.

Watch the video [on YouTube](#).

SUBSCRIBE to Heartland's channel and "hit the bell" to get emailed updates of every new video.



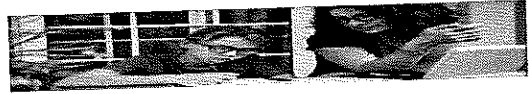
In a Rebuke to Teachers Unions, School Choice Is Going Gangbusters in the States - School districts are slowly beginning to reopen in-person instruction after being closed for nearly a year. While this is a wonderful development, it will never erase what parents experienced last year: uncertainty, inconsistency, and, in some cases, ineptitude from public schools.



The Looming Nightmare - The ongoing COVID lockdown hysteria is taking a brutal toll on the young. According to the Burbio school tracker, 53% of schools nationwide are now fully open for business. With the new CDC guidelines having determined that three feet is a safe distance for students, one would think the other 47% would follow suit.



These Two States Are Taking Bold Action to Protect Free Speech on College Campuses - Amid growing concerns of limited free speech on college campuses, two states have joined the fight against censorship and unfair treatment of specific groups of students.



New Census Data Show Homeschooling Tripled During the Pandemic—And One Key Group is Driving the Surge - New Census Bureau data show that 11.1 percent of K-12 students are now being independently homeschooled. This is a large uptick from 5.4 percent at the start of the school shutdowns last spring, and 3.3 percent in the years preceding the pandemic.



GoFundMe Shuts Down Fundraiser by Virginia Parents Who Oppose Critical Race Theory - Fundraising website GoFundMe shut down a page that had been set up by parents in Loudoun County, Virginia, in opposition to the implementation of critical race theory in their children's education, as reported by the Washington Free Beacon.



Georgetown Students Demand to Abolish Campus Police, Even with DC Crime on the Rise - The Georgetown University Student Association established a new "working group" focused on abolishing the university police department despite rising crime.



Wisconsin Lawmaker Looks at Next Step after School Choice Sports Veto - Some school choice kids in Wisconsin will



continue to miss out on high school sports at their local schools.

A Third Way on the Place of Critical Race Theory in the Classroom - Florida Governor Ron DeSantis recently banned Critical Race Theory (CRT) from being taught in Florida's public schools.

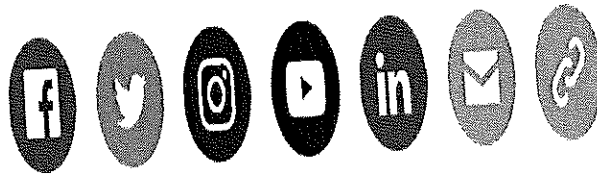
Cartoon of the Week



- TO HEARTLAND'S NEWSLETTERS**
- Budget & Tax News
 - Environment & Climate News
 - Health Care News
 - School Reform News
 - Climate Change Weekly
 - Heartland Weekly
 - Stopping Socialism

The Heartland Institute
3939 North Wilke Road
Arlington Heights, IL 60004
United States

p: 312/377-4000
f: 312/277-4122
e: think@heartland.org
Website: Heartland.org



[Unsubscribe](#)

From: edtprk@aol.com
Sent: Friday, April 23, 2021 1:31 PM
To: Rep99
Subject: Lawsuit against the State of Ohio School Board

First Name: Elsie
Last Name: Tarczy
Email: edtprk@aol.com
Phone: (216) 538-0023
Address:
1091 Sheerbrook Dr.
Chagrin Falls, OH 44022

Subject: Lawsuit against the State of Ohio School Board

Message: Ohio State Board of Education Sued for Allegedly Banning Criticism of '1619 Project'

<https://www.dailywire.com/news/ohio-state-board-of-ed-banning-criticism-1619-project>

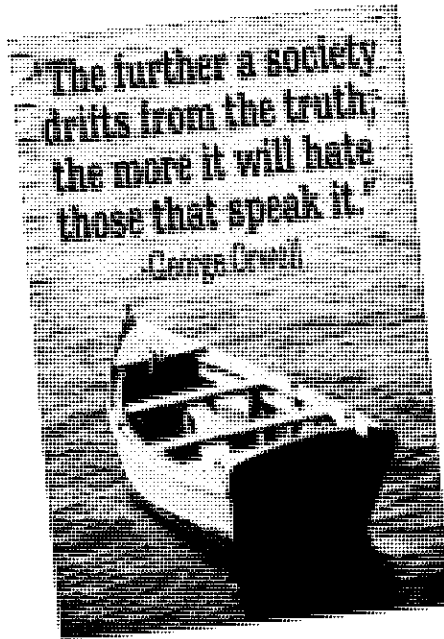
Hi Sarah, Are you aware of this? I am appalled that the School Board would refuse to listen to parents and say the parents don't understand Critical Race Theory and thus the School Board doesn't have the time to listen to them!

I hope things are going well for you.

Sincerely, Elsie Tarczy

From: Auburntownship.org
Sent: Saturday, May 1, 2021 9:50 AM
To: Rep99
Subject: SCHOOL ISSUES: SEE WHAT YOUR NEIGHBORS ARE TALKING ABOUT

[View this email in your browser](#)



SCHOOL ISSUES: SEE WHAT YOUR NEIGHBORS ARE TALKING ABOUT

A SAMPLING OF POSTS ABOUT KENSTON SCHOOL 6.5 MILL LEVY ON NEXTDOOR NEIGHBORS

Published Friday, April 30, 2021

THE END OF BASIC EDUCATION: BIDEN ISSUES PUBLIC SCHOOL CRITICAL RACE THEORY ORDER

Published Saturday, May 1, 2021

MIDWEST FARMERS AMONG THOSE CHALLENGING BIDEN ADMINISTRATION LOAN FORGIVENESS

Published Thursday, April 30, 2021

**BIDEN-LINKED FIRM COORDINATED WITH BIG TECH TO CENSOR
SOCIAL MEDIA: JUDICIAL WATCH**

Published Friday, April 30, 2021



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nfn@post.com

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Auburntownship.org · 10400 Lindsay Ln · Chagrin Falls, OH 44023-5203 · USA



From: jrm197234
Sent: Sunday, May 2, 2021 5:27 AM
To: Rep01
Subject: Schools

Follow Up Flag: Follow up
Flag Status: Flagged

I ask you to create or sponsor if they have not already been created. A bill for each of the following. A bill to ban the teaching of critical race theory, common core and bill barring transgender females from girls' sports.

Thank you.

Jeff Mullins
Upper Sandusky, Ohio 43351

From: manziae@yahoo.com
Sent: Wednesday, May 5, 2021 9:33 AM
To: Rep99
Subject: education legislation

Follow Up Flag: Follow up
Flag Status: Flagged

First Name: Ann
Last Name: Manzi
Email: manziae@yahoo.com
Phone: (330) 662-1060
Address:
3985 Sunset Drive
Medina, OH 44256

Subject: education legislation

Message: Dear Representative Fowler,

I am not a constituent in your district but I am an educator and mother of two who would like your assistance in crafting education legislation. I am a friend of Lisa Woods and heard that you worked with her on the Ohio State Board of Education and thought you would be the person who could help me in my endeavors. I am looking to develop legislation dealing with Critical Race Theory being taught in schools and legislation where funding follows individual students instead of going directly to school systems. Please contact me as soon as you can to let me know if this is something you are able and willing to do. If not, could you at least direct me to a representative who would be able to be of more assistance. Thank you for your time and consideration!

Sincerely,
Ann Manzi

From: michael
Sent: Wednesday, May 5, 2021 1:19 PM
To: Rep99
Subject: Ohio CRT issue

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Fowler-Arthur,

First off, thank you for all that you do. I am writing to you today asking that you do everything in your power to remove Critical Race Theory (CRT) and/or any threatening elements of CRT that are already embedded in our educational programs, from expanding and infecting the academic progress and well-being of our children in all Ohio schools. I am also asking that you remove any mandated CRT training that the State of Ohio or the Federal Government "encourages" teachers, teacher-aides, administrative staff, NGO's or any persons, organizations or affiliates that work at/with or do business at/with the Ohio Board of Education and the Department of Education.

It is my expressed belief that this ideology is promoting the fundamentals and doctrines that are aligned with Marxism, and by utilizing the concept of "race" once again, to divide this Country. CRT's foundation is a bedrock of hatred and malevolence of which is creating a "struggle between the "oppressors" (white people) and the "oppressed" (everybody else), similar to Marxism's reduction of history to a struggle between the "bourgeois" and the "proletariat." It labels institutions that emerged in majority-white societies as racist and "white supremacist."

Below are two articles that may help and clear up any confusion about the issue of CRT here in the United States and Ohio.

https://www.theepochtimes.com/oklahoma-house-votes-to-ban-teaching-of-critical-race-theory-in-public-schools_3797277.html

https://www.theepochtimes.com/echoes-of-mao-weaponizing-schools-with-critical-race-theory_3769243.html

Sincerely,

Michael and Diana Hamel

From: Bruce Christopher
Sent: Friday, May 7, 2021 3:23 PM
To: Rep83; Rep94; Rep99; Rep98; Rep95; Rep73; Rep47; Rep47; Rep80; Rep82; Rep85; Rep42; Rep63;
Rep63; Rep76; Rep01; Rep02; Rep04
Subject: MCFAN
Attachments: MCFANMay 2021.pdf; Kirsanow 5 8 21.docx

Follow Up Flag: Follow up
Flag Status: Flagged

Hello to All,

Attached, please find the Flyers regarding the next MCFAN Meeting. Peter Kirsanow will be speaking about what Negative teachings are taking place in some of our Public Schools. These anti-American teachings are critically important issues, and I hope that some of you can attend.

I realize that this is a last-minute invitation, and for that, I apologize.

MCFAN is almost 14 years old, and for the last seven-plus years, Lisa Woods has been running this organization by herself. Lisa is a True Conservative and brings in a wide range of speakers, ranging from education, 2nd Amendment, cyber Security, and more.

If you would like to be kept informed of upcoming MCFAN Meetings, I/we will attempt to do so.

If you wish to be removed from this list, please let me know, and I will remove your name.

Best Regards,

Bruce W. Christopher



You are invited to a casual forum with your Medina County Friends And Neighbors

MCFAN: Our mission is to build a coalition of conservative grassroots support in Medina County in order to preserve and promote the Constitution, the free-enterprise economy, & traditional American values.

Thirsty Cowboy 2743 Medina Rd (same plaza as the Medina Antique Mall)
8:30 - 10:00am the 2nd & 4th Saturdays

Each meeting features a guest speaker followed by socializing with fellow conservatives. If you've been looking for a way to become active and involved in our community, this is the place to be!

May 8th PETER KIRSANOW Peter is often a guest on *Tucker Carlson Tonight* and can also be heard on WHK 1420 AM's *The Kirsanow Report*. He is the author of *Target Omega* and *Second Strike*, and is a frequent contributor to *National Review Online*. The next meetings are May 22nd, June 12 & 26.

Cost for meetings is \$5 donation per person to cover room rental and coffee.
No charge for first-time guests or octogenarians.

*We in America do not have government by the majority.
We have government by the majority who participate... Thomas Jefferson*

For info call Lisa at 330-241-5226 lisawoods@mcfan.org



Visit MCFAN
Facebook



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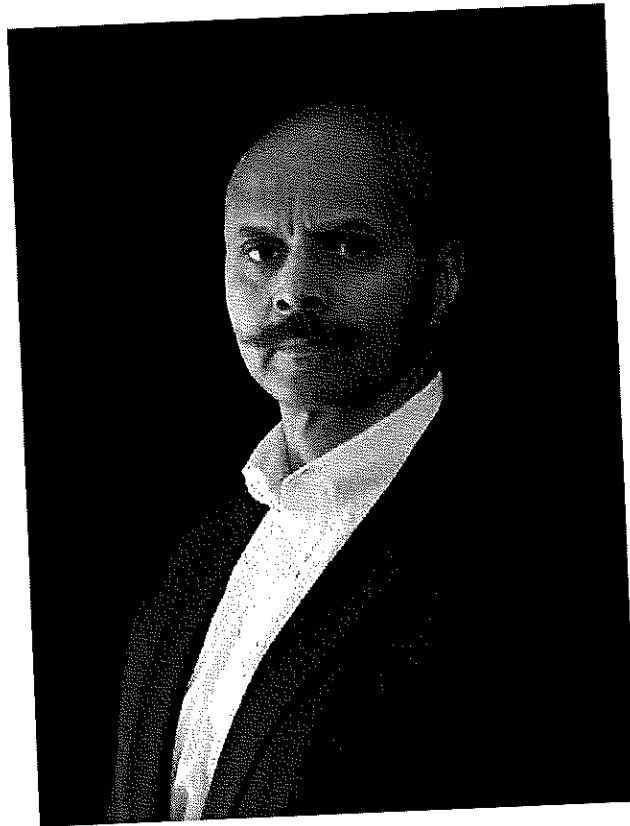
*We in America do not have government by the majority.
We have government by the majority who participate... Thomas Jefferson*

For info call Lisa at 330-241-5226 lisawoods@mcfan.org



Visit MCFAN
Facebook





Share this email or print this **Flyer** to invite a friend or neighbor!

Peter Kirsanow

Saturday, May 8th, 8:30 AM

Greetings,

Join us **Saturday Morning, May 8th, at 8:30 AM at the Thirsty Cowboy** in Medina, just off the I-71/Route 18 exit. If you've heard **Peter Kirsanow** speak before, you already know how impressive he is and what an important voice he is for the conservative cause. Peter is an attorney with the Cleveland law firm Benesch, Friedlander, Coplan & Aronoff. A member of the U.S. Commission on Civil Rights, he was also a member of the National Labor Relations Board (NLRB) from January 2006 to January 2008. Peter is often a guest on Tucker Carlson Tonight and can also be heard on WHK 1420 AM's The Kirsanow Report. He is the author of Target Omega and Second Strike and is a frequent contributor to National Review Online.

About MCFAN: Our meetings take place from 8:30 – 10:00 AM on the 2nd and 4th Saturdays of each month. We meet at the Thirsty Cowboy (2743 Medina Rd., Medina). Each meeting features a guest speaker followed by socializing with fellow conservatives. The cost for meetings is \$5.00 per person donation to cover room rental and coffee. (No charge for first-time guests or octogenarians.)

Education Action Alert

You've probably heard that the Biden Administration plans to give educational funding priority to Critical Race Theory and the 1619 Project (obviously, they don't word it that way, although the Notice comments favorably on the 1619 Project).

The link below is the Notice of Proposed Rulemaking. Please submit a comment. **Comments regarding the Rule must be received by May 19.** <https://www.govinfo.gov/content/pkg/FR-2021-04-19/pdf/2021-08068.pdf>

Do you feel the need to know more and get more involved? Check out these great sites,

<https://www.empoweruohio.org/>

<https://freeohionow.com/>

<https://www.ohiostandsup.org/>

I hope to see you Saturday!

In God We Trust,

Lisa Woods

lisawoods@mcfan.org

MCFAN, Medina County Friends and Neighbors

<https://www.facebook.com/MCFANmedina/>

330-241-5226

From: deedee43545@yahoo.com
Sent: Wednesday, May 12, 2021 7:30 AM
To: Rep99
Subject: critical race theory

First Name: Denise
Last Name: Naida
Email: deedee43545@yahoo.com
Phone: (419) 789-7006
Address:
1759 Oakwood Ave
Napoleon, OH 43545

Subject: critical race theory

Message: I would like to know if there any Republicans working for Ohioans. I have messaged before about our Governor abusing his power with illegal mask mandates and to stop any vaccine passports in OH. Now I'm wondering if anyone is working on stopping the critical race theory indoctrination in our public schools. Other states are passing bills to keep their states safe from these unconstitutional, illegal acts against their people. Is anyone in our OH government body working on bills to stop the illegal leftist nonsense they're pushing?

Thank you,
Denise Naida

From: Lauren.Strope@ohiohouse.gov

Sent: Wednesday, May 12, 2021 4:21 PM

To: Strope, Lauren

Subject: Scan-to-Me

Attachments: lauren.strope_5-12-2021_16-20-43.pdf



Dr. Jenny Shafer Kilgore
State Board of Education
District 4

200 East Sharon Road
Glendale, OH 45246
513-382-9869

Jenny.Kilgore@education.ohio.gov
sboe.ohio.gov



**REPUBLICAN PARTY OF
MEDINA COUNTY**
WWW.MEDINAGOP.COM

LISA WOODS

Central Committee York Twp A
email: lisawoods@mcfan.org

home: 330.241.5226 cell: 330.410.6733

7645 Norwalk Road • Medina, OH 44256

Party Headquarters: 2771 Medina Road Medina OH 44256 330.723.0415



Kirsten Hill - District 2
State Board of Education
erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood Counties

44905 N. Ridge Rd.
Amherst, OH 44001
4401 201-2306

Kirsten.Hill@education.ohio.gov
sboe.ohio.gov

From: cutlerjared_@hotmail.com
Sent: Thursday, May 13, 2021 10:26 AM
To: Rep99
Subject: Co-sponsor request for restricting discussions on race in Ohio educational institutions

First Name: Jared
Last Name: Cutler
Email: cutlerjared_@hotmail.com
Address:
3188 Ibis Ct
Beavercreek, OH 45431

Subject: Co-sponsor request for restricting discussions on race in Ohio educational institutions

Message: It has been reported that Rep. Diane Grendell, R-Chesterland, is seeking co-sponsors for a bill that would place restrictions on discussions regarding race in Ohio educational institutions. I am writing to ask that you not co-sponsor this bill, and not support it should it move forward. You should consider that when legislation like this is proposed across the country, it is always by white legislators, and when measures like this pass it looks a lot like white legislators are attempting to impose restrictions on how race is discussed. Please seek and heed the perspectives of your Black friends, neighbors, and constituents - when discussions like these have been had in other state legislatures, the perspectives of Black citizens have been underrepresented, if not ignored. Please show that you represent all of your constituents, not just the ones who are part of the historically dominant racial group.

You should know that representatives cannot support legislation like this without looking racist. You may disagree, but the fact is that many citizens in Ohio would perceive it that way - myself included.

Should this legislation move forward, the local anti-racism organization I belong to, Citizens for a Better Beavercreek, will work as hard as we can to stop it, in coordination with other anti-racism organizations in the surrounding communities.

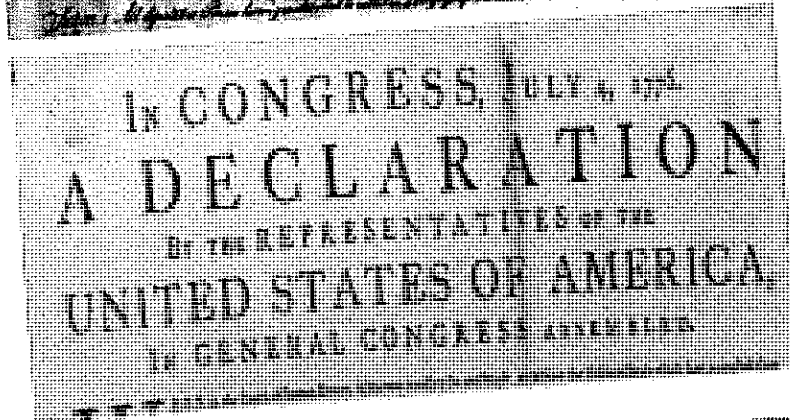
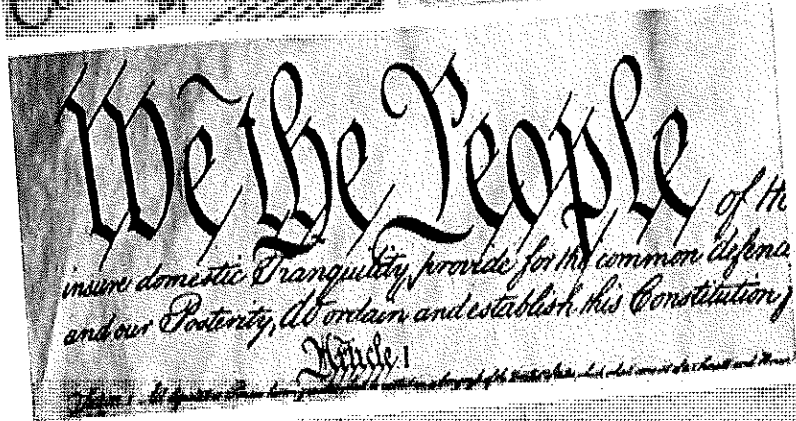
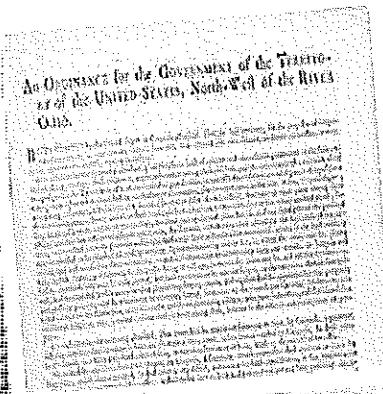
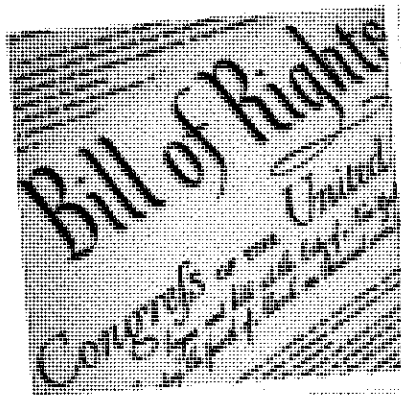
Choose to be on the right side of history. Please do not support this bill.

Jared Cutler
Citizens for a Better Beavercreek
Beavercreek, OH

From: Ohio Christian Alliance
Sent: Thursday, May 13, 2021 10:35 AM
To: Rep99
Subject: Constitutional Studies Threatened Again in Ohio Schools



Constitutional Studies Threatened Again in Ohio Schools



Constitutional Studies Threatened Again in Ohio Schools

This week's News in Focus with former State Representative John Adams, he was one of the original sponsors of S.B. 165 The Founding of America Documents Bill in the 129th GA. Now it is under threat and John has a few things to say about that.

Ohio's educational standards for American Government and American History are under threat again. This time, it's H.B. 73 that would limit the testing requirement and thereby eliminate the teaching requirement in the classroom of American Constitutional studies. One of the original sponsors of the Founding of America Documents Curriculum Bill is former State Rep. John Adams. He joins me on the program to talk about the triumph of the passage of the original bill that guaranteed every Ohio student from the 8th - 12th grade would learn the U.S. Constitution with an emphasis on The Bill of Rights, The Declaration of Independence, The Northwest Ordinance, and The Ohio Constitution. But, the liberal teachers' union has placed a target on this curriculum requirement, and they seek to replace it with critical race theory and other socialist philosophies. We're not going to let that happen on our watch. Tune in and tell a friend. [Help us stop H.B. 73!](#)

[Click here to listen to the broadcast!](#)

[News in Focus is broadcast 7 times weekly.](#) Here is a list of stations on which News in Focus is heard: WHKW 1220 AM Salem Broadcasting Cleveland and on their FM translator signal WHKW 96.9 F.M Thursdays at 1 p.m.- full hour and 6:30 and 7:30 p.m., and Saturdays at 5:00 p.m., in Columbus on WHKC 91.5 Freedom FM Saturdays at 12:30 p.m. and Sundays at 1:30 p.m. It is also featured on our podcast, social media, and sent out to the Ohio Christian Alliance statewide email list.



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From: Kirsten Hill
Sent: Thursday, May 13, 2021 4:27 PM
To: Rep99
Subject: File on CRT
Attachments: Woke Racism in School (K. Hill).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Dear Representative Fowler,

Attached is the file with information about Critical Race Theory that I mentioned in the meeting held last week. Please disperse to other members of the Ohio House of Representatives as you see fit. There are links to much additional information included within the file.

Yours truly,

Kirsten Hill

Member, Ohio Board of Education, District 2

kirsten@kirstenhill.com

440-201-2306

Woke Racism in school: Brainwashing the children

May 4, 2021

**Adolf Hitler “He alone, who owns the
youth, gains the future.”**

**Vladimir Lenin “Give me one generation
of youth and I’ll transform the whole
world.”**

Speakers

- **Kirsten Hill, Current Elected Member, Ohio Board of Education** (Counties: Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood)
- **Lisa Woods, Former Elected Member, Ohio Board of Education** (Counties: Ashland, Medina, Richland, Wayne Parts of Cuyahoga, Holmes, Stark, Summit)
- **Kara Molfetta, Parent, Lakota Local Schools**

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

Outline

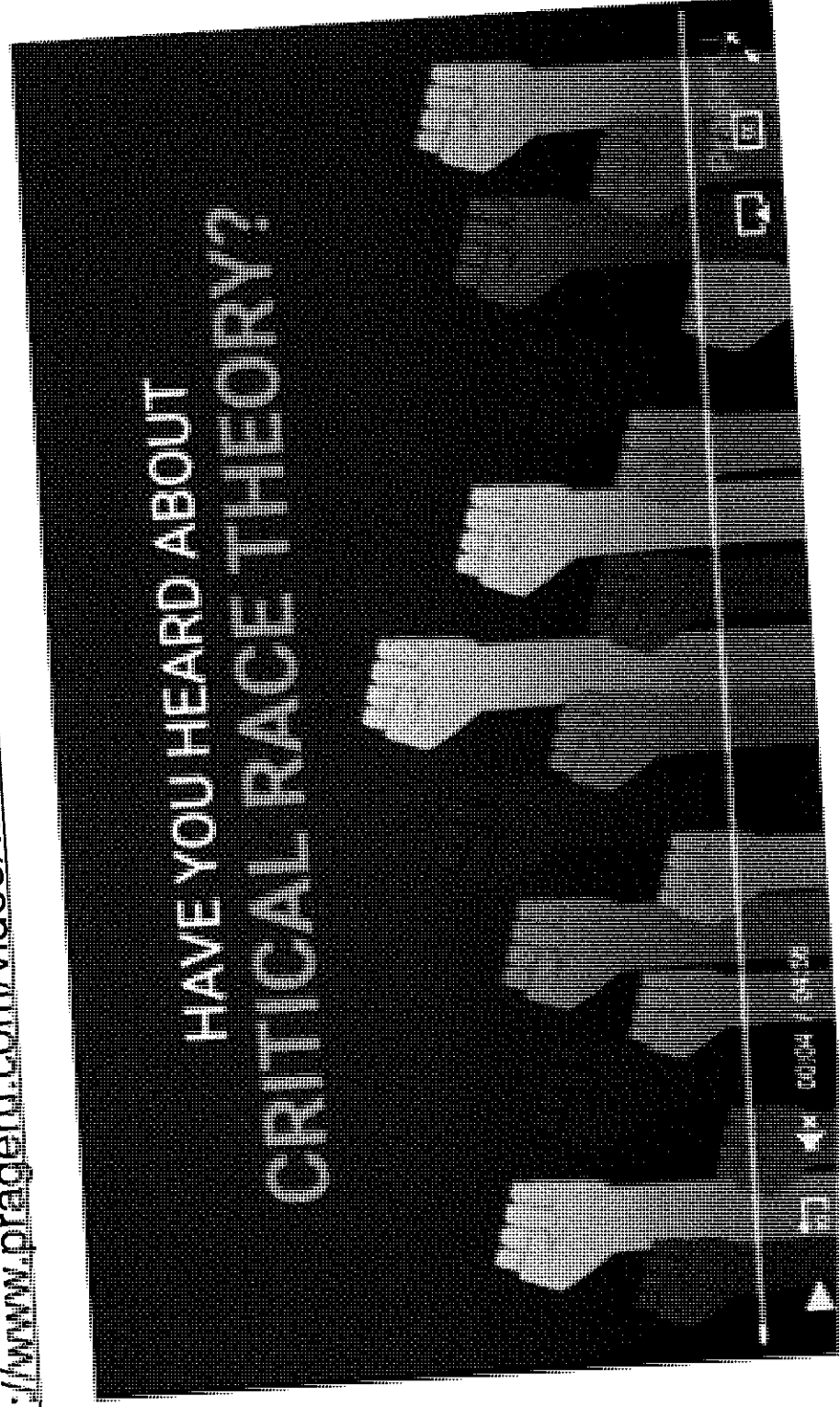
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

What is Critical Race Theory?

- First, Critical Race Theory views race and racism this way: race is a political construction that was invented by white people to give themselves power while excluding all other races from it, and racism is the ordinary state of affairs in society, present in all interactions, institutions, and phenomena, and effectively permanent in society
- Second, Critical Race Theory does not continue the legacy of the Civil Rights Movement, as many incorrectly believe. It is against liberalism and the liberal order upon which Western societies are founded, and it rejects both equality and neutral principles of constitutional law (these were the backbone of both the abolitionist movement that ended slavery and the Civil Rights Movement). It also rejects legal reasoning and Enlightenment rationalism. This makes Critical Race Theory unreasonable, illiberal, against equality, and anti-American, by definition.

What is Critical Race Theory?

- PragerU Video by James Lindsay
- <https://www.prageru.com/video/what-is-critical-race-theory/>



What is the 1619 Project?

- Posits that the true founding date was 1619 and based on slavery, not 1776.
- Nicole Hannah-Jones author
- Published in the *New York Times Magazine* in August 2019
- Historically inaccurate

What is the 1619 Project?

- The 1619 Project is an effort produced by the *New York Times Magazine*, specifically by Nikole Hannah-Jones among several other contributors. It was published therein in August of 2019, allegedly on the 400th anniversary of the “true” founding of the United States, when the first African slaves (or laborers) were brought to American soil. It was awarded a Pulitzer Prize.
- The 1619 Project therefore posits that the true founding date of the American republic is not 1776, with the signing of the Declaration of Independence, but rather 1619, allegedly when the first African slaves were brought to American soil at the Jamestown Colony. It goes further to posit that, because of this historical incident (supposing it is true and articulated accurately), the United States has always been a nation founded economically (see also, **capitalism**), thus politically (see also, liberalism), upon the institution of slavery, which was therefore encoded into the societal DNA of the American republic. That is, the 1619 Project exists to go beyond the claim that racism is America’s “Original Sin” to make the far more extraordinary claim (on very shaky evidence and weak argumentation) that it is, in fact, its genuine foundational principle.

IMPORTANT to learn more about

the American Mind

From the Editors

Salvos

Memos

Features

Podcast

Media

What is Action Civics?

"Action Civics" Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

<https://www.nas.org/reports/making-citizens-how-civics-replaces-citizenship-with-partisanship/>



State lawmakers must protect education from activism.

CRT in practice

- CRT is what is driving cancel culture in the schools.
- Those calling out systemic racism are looking to cancel people that don't agree.
- All this activism in the classroom is hurting students academically. The activism is directly taking away time with teachers learning the language, math, arts and sciences.(1)
- Causing division - Think Marx's premise of the oppressors and the oppressed. It was the bourgeois vs. the proletariat.(2) Now it's just pitting woke against non-woke.

Source: (1) <https://video.foxnews.com/v/6250045304001#sp=show-clips>

(2) <https://www.thepoettimes.com/parents-organize-to-push-back-against-critical-race-theory-3784489.html>

CRT in practice

- How to recognize it. The purveyors will deny it's existence. They are being deceptive. **Language matters.**
- Watch for these words: **equity, culturally-responsive curriculum, anti-racist, racial sensitivity, unconscious or implicit bias, cultural awareness, “Diversity, Inclusion, Equity, Justice”, white privilege, whiteness, white supremacy**
- ‘Anti-racist’ is really ‘Woke Racism’.

CRT in practice

- Makes children think of themselves as oppressors or victims.
- April 22, 2021 (VA.) Virginia getting rid of Algebra, Algebra II and Geometry for all students before 11th grade. (Looking through a 'racial lense' first. Take higher end students and bring them down. Lowering the bar.) (1)

CRT in practice

- “Change Agents”: Executive Director of the Ohio Council of Teachers of Mathematics
- Akron Beacon Journal

Yoak also works on those issues through OCTM, whose two main goals right now are to support math teachers and earning, and to promote policies and practices that support equity and inclusiveness in math.

“A very easy one to sight is the traditional history of tracking students and teachers, meaning that there’s the honors level, the general level and the lower level. What we know from roads and loads of evidence and data is that in the honors track we have an overrepresentation of white students and often Asian students; and in the lower tracks we have an overrepresentation of students of color. That is clear, and there’s no way around that,” she said.

However, the data shows that by eliminating tracking and replacing it with a student-focused, equity-centered and reasoning-based math experience, all students improve, Yoak said.

Akron Beacon Journal

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Change Agents: Stow educational consultant aims to bring equity, empowerment to math class

Krista S. Kane, Akron Beacon Journal
Published 6:02 a.m. ET Apr. 29, 2021

View Comments

Growing up in Stow, Kim Yoak loved playing with Tinkertops, Legos, Connect 4, and Chutes and Ladders, but it wasn't until she was older that she recognized what they all had in common: math.

In fact, most of her playthings involved dice, counting, problem-solving or pattern recognition, and through those games she developed confidence in her mathematical abilities.

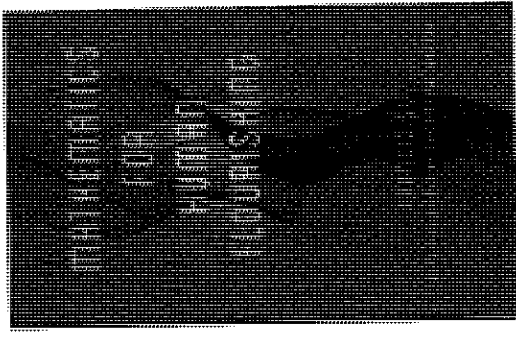
Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the



As executive director of the Ohio Council of Teachers of Mathematics (OCTM), Kim Yoak works to help teachers and students develop confidence in their mathematical abilities.

CRT in practice

- Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.
- Review of the book, ““Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



CRT in practice

- Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

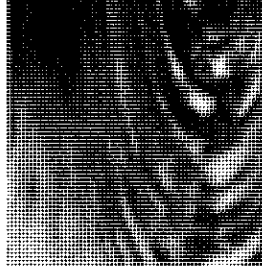
Join Kent State University's aspiring teachers and school leaders on Tuesday, May 11, 2021 for our 5th annual FREE educational community conference. We welcome K-12 students, teachers, staff, school leaders, social workers, guidance counselors, psychologists, families, Board members, community members, activists, organizational leaders, and political representatives to engage with us.

How do you register for this FREE educational conference? Please click on the link below and choose the sessions you want to attend. The last day to register is Sunday, May 9th. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10th.

<https://www.kent.edu/newsroom/0944ADAE2B46E58-betheripple>

Highlights
are speaker's.

Invitation was
received
to attend
this event.



Conference Sessions

8:00-9:30 AM	OPENING SESSION: Be the Pebble and Make the Ripples: Meet School Community Members Making Real Changes in School Communities.
9:35-11:00 AM	<i>What Does it Really Mean to be Inclusive?</i>
9:35-11:00 AM	<i>Who is on the Front Line? What You Need to Know About Promoting Equity for Black and Brown Students.</i>
9:35-11:00 AM	<i>What is Equitable Access in Schools? How do We Ensure All Students have Access to Resources to be Successful?</i>
9:35-11:00 AM	<i>"Don't Touch My Hair!": Understanding Culturally Responsive Practices.</i>
11:05-12:30 PM	<i>Where is My Next Meal Coming From? Students, Families, and Food Insecurities and How These Realities Affect Learning.</i>
11:05-12:30 PM	<i>Screaming Out Loud: Be an Advocate for School Community Members Facing Mental Health Challenges.</i>
11:05-12:30 PM	<i>What Does it Mean to Involve and Empower Families in Schools?</i>
12:35-2:00 PM	<i>How to Authentically Serve the LGBTQ School Community.</i>
12:35-2:00 PM	<i>It's the Little Things, Right? The Influence of Implicit Bias.</i>
12:35-2:00 PM	<i>How to Use Music to Motivate Students and Their Learning.</i>
2:05-3:30 PM	CLOSING SESSION: Imposed Silence: Meet School Community Members Who Speak Truth to Power

Timeline at Ohio Board of Education (OBE)

June 2020 - Kohler announcement of resolution she'll bring forward

July 2021 - Complete revision and much more extensive (Contributors: Kohler, Haycock, Dodd, Johnson)

July 14, 2021 Kohler Racist Equity Resolution approved.

Link to Resolution: http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

December, 2020 through May 2021 - **Board president has denied verbal testimony if person is anticipated to speak on CRT or 1619 Project.**

OBE Vote Tally on Kohler's Racist Equity Resolution (#20) July 14, 2020

Member Type	Yes	No
Appointed	Steve Dackin	Sarah Fowler Arthur Elected
Elected	Stephanie Dodd	John Hagan Elected
Elected	Linda Haycock	Kirsten Hill Elected
Elected	Meryl Johnson	Charlotte McGuire Elected
Appointed	Laura Kohler	Lisa Woods Elected
Appointed	Mark LaMoncha	5
Appointed	Martha Manchester	Abstain
Elected	Antoinette Miranda	Jenny Kilgore Elected
Elected	Nick Owens	1
Appointed	Erik Poklar	
Appointed	Mike Toal	
Appointed	Reggie Wilkinson	

Source: <https://kirstenhill.com/2020/07/15/racism-and-inequities-against-blacks-indigenous-and-people-of-color-addressed-in-late-night-resolution-passed-by-the-ohio-state-board-of-education/>

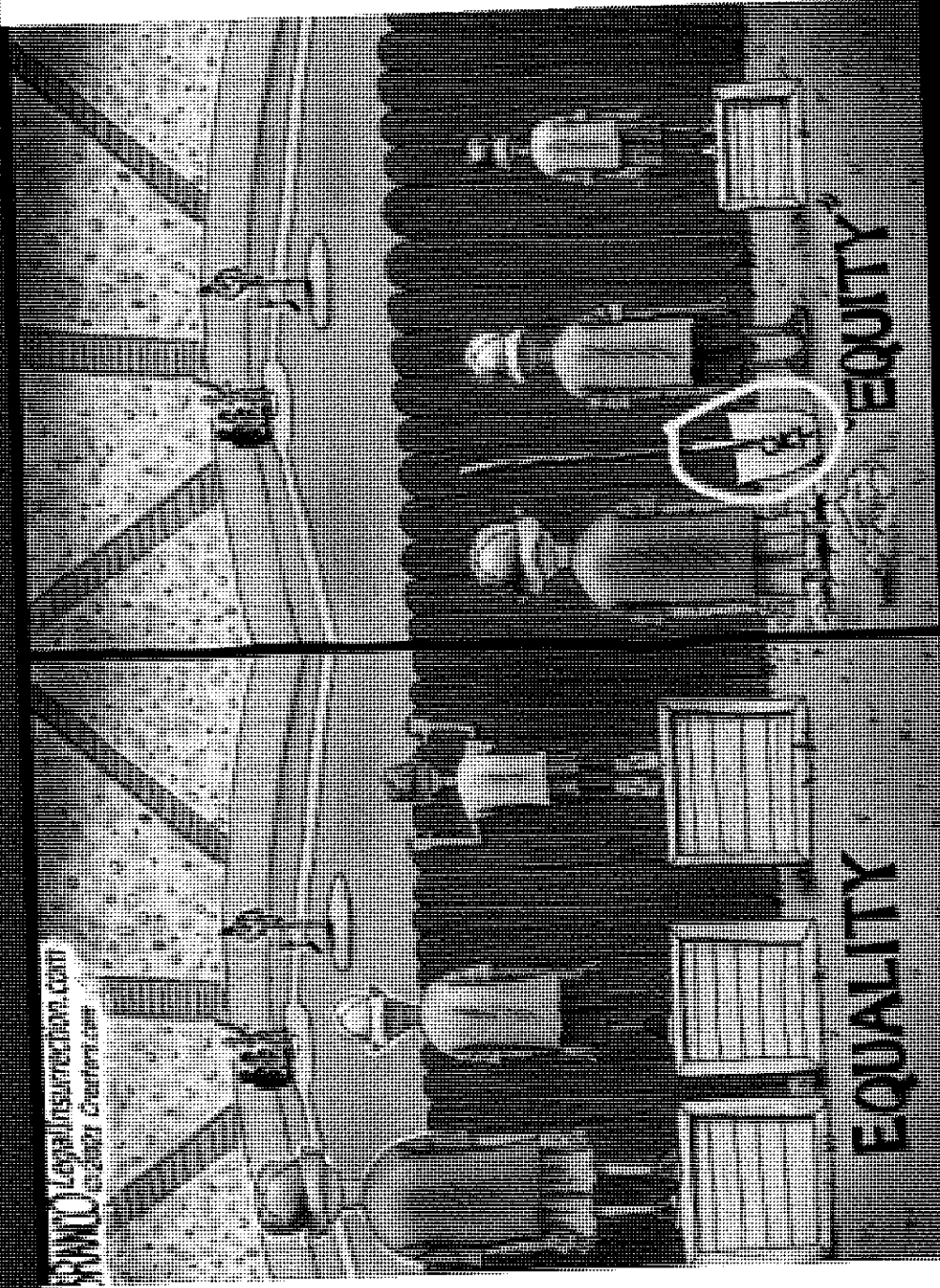
What is in Kohler's Racist Equity Resolution?

Whereas, **Equity** is our plan's
greatest imperative and number
one principle;

...Where equality means that citizen A and citizen B are treated equally, equity means "adjusting shares in order to make citizens A and B equal." In that sense, equity is something like a kind of "social **communism**," if we will—the intentional redistribution of shares, but not necessarily along lines of existing economic disparity but in order to adjust for and correct current and historical **injustices**,...

...the measurement for equity is wholly on assessing the most superficial aspects of outcomes and then ascribing any differences from either demographic parity or parity adjusted upward to "correct" for historical exclusion to systemic bigotry. That is, in practice, an equity approach is almost wholly **unconcerned with the root causes** of disparate outcomes and merely seeks to identify where they occur and then artificially "correct" them, perhaps through preferential hiring, grading, promotion, pay, etc., by eliminating measurements that reveal disparities like standardized testing, by open, secret, or tacit discrimination against "dominant" group members, or even by installing quotas and specific guidelines for how outcomes must come out, **regardless of what leads to them**. In that sense, it is a very impoverished theory that is unlikely to achieve any of its stated goals (and will probably hurt most those it claims to help). ...

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

- implicit bias training for ODE employees and contractors required**
- strongly recommends that all Ohio school districts examine hiring, curriculum & student discipline for internal bias**

How are OBE members promoting?

Kohler & DeMaria at Cleveland City

- **Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)
- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)
- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

- OBE meeting agendas include presentations from local superintendents presenting their equity work.
- Dackin, chair of OBE legislative sub-committee, “We will look at everything through an equity lense.” (paraphrased.)
- Kohler denial of public comment at OBE meetings based on anticipated topic of member of the public.

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfYUfCcTbp3NoDmxKZUJAN7xMiVuhgIINBIZKz-lh7yPPqTPFgYzmd5NgKtEdpVugB6GoZwPWR/pubhtml>
This was posted on the ODE website until taken down in fall, 2020.
- **Link to 1619 Project is on ODE website. Link:** <http://education.ohio.gov/Topics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>
- **DeMaria presented to OBE at meeting about new rubric being used to screen the S.S. content posted on ODE website.**
- **Grants are going to local Ohio districts for equity work.**
- **Equity training webinars offered by ODE (April-May, 2021)**

How is ODE implementing?

Paraphrasing of phrasing

- Yano, “Looking at legislation through an **equity** lense.”
- Superintendent DeMaria often points out the **equity** is our highest aspiration as in Strategic Plan “Each **Child** Our **Future**” .
We do all our work looking through a diversity, inclusion and equity.

How are local school districts implementing?

- **Gahanna-Jefferson** (Licking County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Athens City Schools** (Athens County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Northwest Local** (Hamilton County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Hilliard City Schools** (Franklin County) Part 1 <https://www.youtube.com/watch?v=SACNA10qVA>

Part 2 https://www.youtube.com/watch?v=Ld7_g-89FFA

- **Beachwood**
- **Rocky River**

How are local school districts implementing?

- **Kings Local Schools (Warren County)**
- <https://www.youtube.com/watch?v=jvzLLOu-fRo>
- <https://www.kingslocal.net/district-resources/cultural-competence%2C-equity-%2B-inclusion-33/>
- **Lakota Local Schools (Butler County)**
- <https://www.youtube.com/watch?v=k7LE71U9n9w>
- **Ohio Department of Education website - local school presentations at Ohio Board of Education meetings Link:** <http://education.ohio.gov/Topics/Equity-in-Education>

Others assisting with implementing CRT?

- **Ohio School Board Association** - <https://www.ohioschoolboards.org/diversity-equity-consulting-services>
- **Ohio Council for the Social Studies** - links "The 1619 Project Grant Opportunity" on website. The 1619 Project Education Network (Pulitzer Center) is giving out \$5,000 grants to teachers who apply. Facebook is the lead supporter.

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydmYUM9oimmFo-55l

Teacher Pipeline

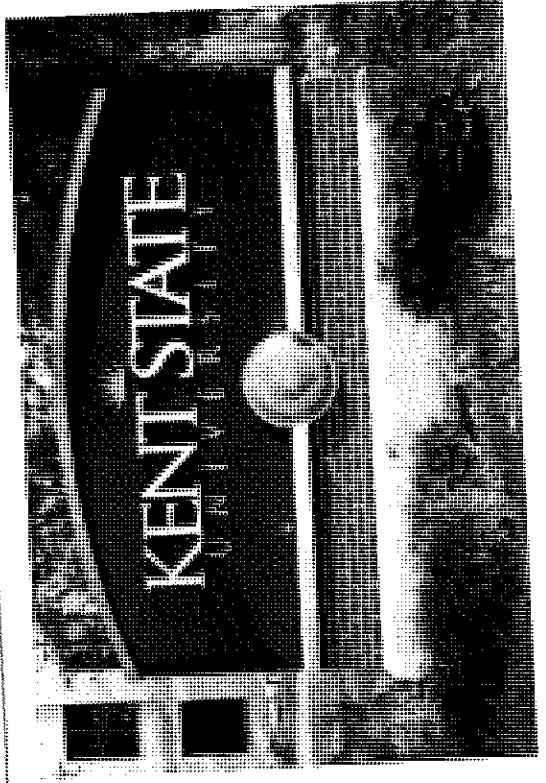
THE COLLEGE FIX

ORIGINAL STUDENT REPORTED. YOUR DAILY DOSE OF RIGHT-MINDED NEWS AND COMMENTARY FROM ACROSS THE NATION.

HIGHER EDUCATION RACIAL ISSUES

Kent State establishes 'Anti-Racism and Equity Institute' to become an 'exemplar in race scholarship'

ESTHER WERMER - BOYCE COLLEGE • MARCH 26, 2021



Responses (in Ohio)

- **Testimony at OBE meetings September, October & November**

September testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/September%2021-22-2020/Public%20Participation/>

October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

November testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/November-2020/Public%20Participation/>

- **ODE quietly removed the Anti-Racist, Allyship Starter Pack (teacher material list) from ODE website but will not remove 1619 Project.**

Responses (nat'l)

- 1619 Project debunked by Peter Wood's book, 1620



1620

*A Critical Response
to the 1619 Project*

PETER W. WOOD

Copyrighted Material

Responses

- Review of **1620** by Phil Magness, senior research fellow, American Institute for Economic Research.
- *Peter Wood's survey of the landscape of scholarly criticism has provided a valuable service, both in assessing the heated historical debates around the 1619 Project and by offering readers an accessible roadmap with which to navigate its many controversies. Unfortunately, the New York Times has thus far conspicuously avoided the most salient criticism of its work. This helpful guide masterfully curates the scholarly scrutiny that the newspaper evaded and ignored, equipping the reader to approach the 1619 Project with a discerning eye for evidence-based history.*

Literature

FILED ON THE NEWS

Smashing "Whiteness" in the Classroom

Ohio's education department offered—and withdrew, at least for now—a startling collection of "antiracist" teaching supplements.

Max Eden
October 16, 2021
Publisher: The Social Order

<https://www.city-journal.org/ohio-education-department->

- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

Literature

- **The Diversity Delusion** by Heather MacDonald
- **Crimes of the Educators** by Samuel Blumenthal
and Alex Newman
- **“Action Civics Replaces Citizenship with
Partisanship”** by Stanley Kurtz [https://americanmind.org/memo/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/)
- **”Making Citizens: How American Universities
Teach Civics”** by David Randall [https://www.nas.org/reports/
making-citizens-how-american-universities-teach-civics](https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics)

Literature



STOP CRITICAL RACE
THEORY IN OHIO

- **Extensive list of resources on the Stop Critical Race Theory dot com website - Link: <https://stopcriticalracetheory.com/resources/>**
- **Common Critical Race Theory Vocabulary - Link: <https://kirstenhill.com/2021/05/13/common-vocabulary-of-critical-race-theory/>**

Videos

- **OBE board meetings on The Ohio Channel (2020 - July through Dec.; 2021 - Jan through May)**
- **“What are your kids learning in school?”** <https://www.prageru.com/video/what-are-your-kids-learning-in-school/>

What you can do

(for the U.S.A, for Western Civilization)

- **IMPORTANT**
- **Comment of Federal Register**
- **Take Action** –Comments are being received at the Federal Register website on the latest push to change American History and Civics Education. The proposed rule change is coming out of the Biden U.S. Department of Education. Make comments here by May 19, 2021: <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>.
- The New York Times 1619 Project and Kendi's book, How to be an Antiracist, are referenced and linked in support of this proposed rule.

What you can do

(for the U.S.A, for Western Civilization)

**. Scan this barcode
to comment on
Federal Education
Rule**



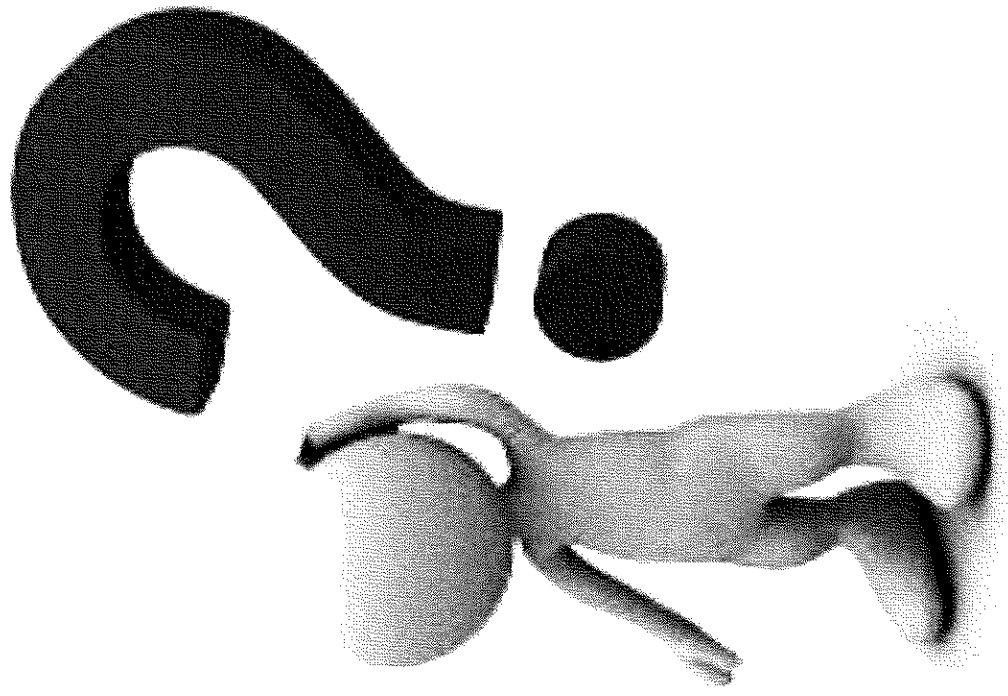
Speaker

**Kara Molfetta, parent,
Lakota Local Schools.**

withlovefrommimi@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: Sarah Fowler
Sent: Friday, May 14, 2021 9:37 AM
To: Rep99
Subject: Fwd: Critical Race Theory info and events
Attachments: Regenold v Ohio Bd of Ed_Complaint (3) (1).pdf

I didn't realize this was sent to my former email address. If you've already sent this info that's great, if not, please send with my letter again on Monday.
Sarah

----- Forwarded message -----

From: lisawoods <lisawoods@mcfan.org>
Date: Wed, May 5, 2021, 11:32 PM
Subject: Critical Race Theory info and events
To: Sarah Fowler <sarahohioedu7@gmail.com>

Greetings Sarah,

Here is info to share,

Critical Race Theory info and events

Dan Regenald's lawsuit against State board is attached and here is an article about it <https://www.dailywire.com/news/ohio-state-board-of-ed-banning-criticism-1619-project>
I think Dan's empower U website page may be the most comprehensive information about CRT in Ohio and more, <https://www.empoweruohio.org/critical-race-theory/>
Also, sign up for "**Critical Race Theory, what we know about Ohio**" at <https://www.empoweruohio.org/> Meet Parents, Teachers and Educators Who Tell You the Facts" Virtual Class Tuesday, May 11, 2021, 7:00 pm - 8:30 pm

Clare Lopez on CRT, https://www.youtube.com/watch?v=tTELUGR76_M&list=PLSeyVmBCs1s_kD12-QgwdjdUvhAhSWNHX&index=3

Tuesday, 5-4-2021 on the Radio, Hour 1 with Special Guest Host Peter Kirsanow. Pete was appointed by President Trump to be on the 1776 commission and speaks out against CRT <https://whkradio.com/podcast/local> Start at about 05:00

Attend the Next TEA Meeting in Lorain County <http://totallyengagedamericans.org/>

Topic: **Woke Racism in School**

Speaker: Jonathan Broadbent, Parent, Beachwood **2-minute VIDEO:** Jonathan Broadbent exposes policy change by Beachwood School Board (March 8, 2021).

Speaker: Kirsten Hill

Date: **Saturday, May 8**

Time: 8:30 am Coffee and refreshments; 9 to 10:30 am Program

Location: Banquet Hall, 5300 Baumhart Road, Lorain, Ohio [MAP](#)

Cost: FREE for first time guests and students up through college, \$3 all others

Thanks for all you do!

Lisa Woods

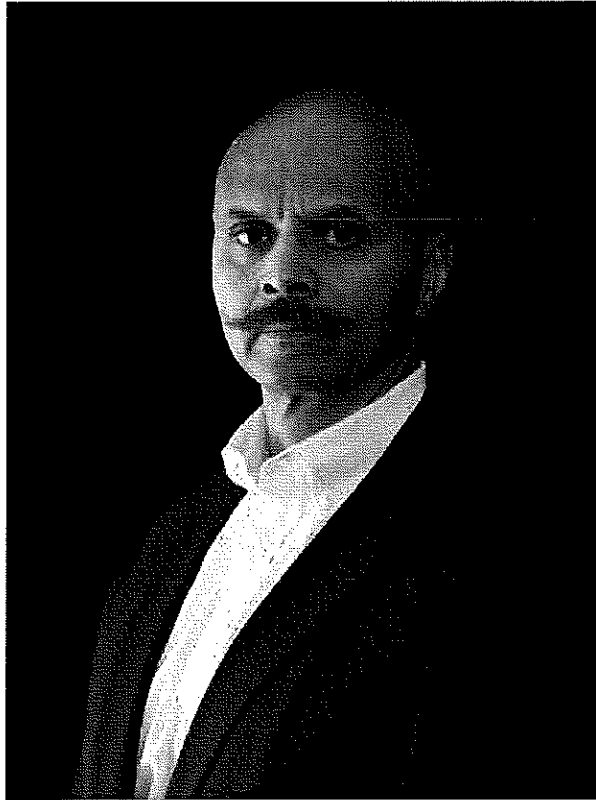
Medina County Friends and Neighbors

<https://www.facebook.com/MCFANmedina/>

H 330-241-5226

C 330-410-6733

[View this email in your browser](#)



Share this email or print this Flyer to invite a friend or neighbor!

Peter Kirsanow

Saturday, May 8th, 8:30 AM

Greetings,

Join us Saturday Morning, May 8th, at 8:30 AM at the Thirsty Cowboy in Medina, just off the I-71/Route 18 exit. If you've heard Peter Kirsanow speak before, you already know how impressive he is and what an important voice he is for the conservative cause. Peter is an attorney with the Cleveland law firm Benesch, Friedlander, Coplan & Aronoff. A member of the U.S. Commission on Civil Rights, he was also a member of the National Labor Relations Board (NLRB) from January 2006 to January 2008. Peter is often a guest on Tucker Carlson Tonight and can also be heard on WHK 1420 AM's The Kirsanow Report. He is the author of Target Omega and Second Strike and is a frequent contributor to National Review Online.

About MCFAN: Our meetings take place from 8:30 – 10:00 AM on the 2nd and 4th Saturdays of each month. We meet at the Thirsty Cowboy (2743 Medina Rd., Medina). Each meeting features a guest speaker followed by socializing with fellow conservatives.

The cost for meetings is \$5.00 per person donation to cover room rental and coffee. (No charge for first-time guests or octogenarians.)

Education Action Alert

You've probably heard that the Biden Administration plans to give educational funding priority to Critical Race Theory and the 1619 Project (obviously, they don't word it that way, although the Notice comments favorably on the 1619 Project).

The link below is the Notice of Proposed Rule making. Please submit a comment. Comments regarding the Rule must be received by May 19. <https://www.govinfo.gov/content/pkg/FR-2021-04-19/pdf/2021-08068.pdf>

I hope to see you on Saturday!

In God We Trust,

Lisa Woods

lisawoods@mcfan.org

MCFAN, Medina County Friends and Neighbors

<https://www.facebook.com/MCFANmedina/>

330-241-5226

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO

DANIEL P. REGENOLD,
Plaintiff,

v.

OHIO STATE BOARD OF EDUCATION,
and

LAURA KOHLER, *individually and
in her official capacity as President of the
Ohio State Board of Education,*

and

MERLYN JOHNSON, *individually and
in her official capacity as a Member of the
Ohio State Board of Education,*

and

MARTHA MANCHESTER, *individually and
in her official capacity as a Member of the
Ohio State Board of Education,*

and

ANTOINETTE MIRANDA, *individually and
in her official capacity as a Member of the
Ohio State Board of Education,*

and

CHRISTINA COLLINS, *individually and
in her official capacity as a Member of the
Ohio State Board of Education,*

Defendants.

: Case No. 2:21-CV-1916

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: Judge _____

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: COMPLAINT FOR INJUNCTIVE
: RELIEF, DECLARATORY
: JUDGMENT, AND DAMAGES

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“[O]ur board president has instituted a policy that prevents people from speaking to our group in reference to any of these issues about critical race theory, etc.... I’m not sure why we have a filter on what we’re allowed to hear here, but we do.”

– John Hagan,
Member, Ohio State Board of Education,

Now comes Plaintiff DANIEL P. REGENOLD and, for his *Complaint* herein, alleges as follows:

1. This is an action for preliminary and permanent injunctive relief, declaratory judgment, and damages arising from the unconstitutional policies, practices, and customs of the OHIO STATE BOARD OF EDUCATION and the unconstitutional actions and decisions of LAURA KOHLER, individually and in her capacity as president of the OHIO STATE BOARD OF EDUCATION, together with the explicit support, encouragement, and ratification by of MERLYN JOHNSON, MARTHA MANCHESTER, ANTOINETTE MIRANDA, and CHRISTINA COLLINS, individually and in their capacity as members of the OHIO STATE BOARD OF EDUCATION, of such unconstitutional policies and actions, all being done under color of law.

2. The policies, practices, and customs of the OHIO STATE BOARD OF EDUCATION, as well as the personal actions and decisions of LAURA KOHLER, MERLYN JOHNSON, MARTHA MANCHESTER, ANTOINETTE MIRANDA, and CHRISTINA COLLINS have restricted and prohibited access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION, all in violation of the First and Fourteenth Amendments to the United States Constitution.

3. DANIEL REGENOLD's rights guaranteed by the First and Fourteenth Amendments to the United States Constitution have been and continue to be violated and threatened to be violated by the policy, practice, and custom of the OHIO STATE BOARD OF EDUCATION and by the direct action of LAURA KOHLER and the explicit support, encouragement, and ratification by MERLYN JOHNSON, MARTHA MANCHESTER, ANTOINETTE MIRANDA, and CHRISTINA COLLINS of such unconstitutional actions.

4. DANIEL REGENOLD has been barred from having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION based solely upon the content of DANIEL REGENOLD's anticipated statements or testimony, and Defendants have publicly declared that such exclusion from the public forum will continue based solely upon the content or subject matter of the anticipated statement or testimony any person may wish to offered in said public forum.

5. Other citizens of the State of Ohio have also been barred from having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION based solely upon the content of such citizens' anticipated statements or testimony, and Defendants have publicly declared that such exclusion from the public forum will continue based solely upon the content of the anticipated statement or testimony any person may wish to offered in said public forum..

6. As a result of the Defendants' policies and conduct, DANIEL REGENOLD and other have suffered and will continue to suffer irreparable harm unless the Defendants are immediately enjoined from their unconstitutional prohibition and restriction against the full and robust exercise of core political speech protected by the First and Fourteenth Amendments to the United States Constitution.

JURISDICTION AND VENUE

7. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C. § 1331, as this action arises under the Fourteenth Amendments to the United States Constitution; under 28 U.S.C. § 1343(a)(3), in that it is brought to redress deprivations, under color of law, of rights,

privileges, and immunities secured by the United States Constitution; under 28 U.S.C. § 1343(a)(4), in that it seeks to recover damages and secure equitable relief under an Act of Congress, specifically, 42 U.S.C. § 1983, which provides a cause of action for the protection of civil and constitutional rights; under 28 U.S.C. § 2201, to secure declaratory relief; under 28 U.S.C. § 2202, to secure other relief, including permanent injunctive and damages; and under 42 U.S.C. § 1988, to award attorneys' fees.

8. Venue is proper within this judicial district and division pursuant to 28 U.S.C. § 1391(b) and Local Rule 82.1, as (i) Defendants are situated within this judicial district; and (ii) a substantial part of the events or omissions giving rise to the claim occurred, or a substantial part of property that is the subject of the action is situated.

PARTIES

9. Plaintiff DANIEL P. REGENOLD is a citizen of the State of Ohio, residing in Hamilton County, Ohio.

10. Established by Article IV, Section 4 of the Ohio Constitution, Defendant OHIO STATE BOARD OF EDUCATION is a nineteen-member public body which, pursuant to Ohio Rev. Code § 3301.07, is responsible for the general supervision of the system of public education in the State of Ohio.

11. Defendant LAURA KOHLER is the president of the OHIO STATE BOARD OF EDUCATION and is the individual who personally made the decision and took the actions under color of law which caused and continue to threaten the violation of the First Amendment rights of DANIEL REGENOLD (and others) as set forth herein. LAURA KOHLER is sued in both her official capacity and in her individual capacity.

12. Defendant MERLYN JOHNSON is a member of the OHIO STATE BOARD OF EDUCATION and, in acting under color of law, is the individual who, individually and in her capacity as a member of the OHIO STATE BOARD OF EDUCATION, provided explicit support, encouragement, and ratification of the unconstitutional policy of the OHIO STATE BOARD OF EDUCATION, as well as the unconstitutional actions of LAURA KOHLER as set forth herein. MERLYN JOHNSON is sued in both her official capacity and in her individual capacity.

13. Defendant MARTHA MANCHESTER is a member of the OHIO STATE BOARD OF EDUCATION and, in acting under color of law, is the individual who, individually and in her capacity as a member of the OHIO STATE BOARD OF EDUCATION, provided explicit support, encouragement, and ratification of the unconstitutional policy of the OHIO STATE BOARD OF EDUCATION, as well as the unconstitutional actions of LAURA KOHLER as set forth herein. MARTHA MANCHESTER is sued in both her official capacity and in her individual capacity.

14. Defendant ANTOINETTE MIRANDA is a member of the OHIO STATE BOARD OF EDUCATION and, in acting under color of law, is the individual who, individually and in her capacity as a member of the OHIO STATE BOARD OF EDUCATION, provided explicit support, encouragement, and ratification of the unconstitutional policy of the OHIO STATE BOARD OF EDUCATION, as well as the unconstitutional actions of LAURA KOHLER as set forth herein. ANTOINETTE MIRANDA is sued in both her official capacity and in her individual capacity.

15. Defendant CHRISTINA COLLINS is a member of the OHIO STATE BOARD OF EDUCATION and, in acting under color of law, is the individual who, individually and in her capacity as a member of the OHIO STATE BOARD OF EDUCATION, provided explicit support, encouragement, and ratification of the unconstitutional policy of the OHIO STATE BOARD OF

EDUCATION, as well as the unconstitutional actions of LAURA KOHLER as set forth herein. CHRISTINA COLLINS is sued in both her official capacity and in her individual capacity.

FACTUAL ALLEGATIONS

16. On July 14, 2020, the OHIO STATE BOARD OF EDUCATION embraced and adopted policies advancing Marxist ideologies of critical race theory and the false proposition of systemic racism.

17. Specifically, on July 14, 2020, the OHIO STATE BOARD OF EDUCATION adopted a resolution given the title of *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*.

18. A copy of the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color* is attached hereto as *Exhibit A*.

19. Even though the *Resolution* was beyond the scope of authority of the OHIO STATE BOARD OF EDUCATION as set forth in Ohio Rev. Code § 3301.07, the OHIO STATE BOARD OF EDUCATION adopted the *Resolution* on a vote of 12-to-5.

20. Within the *Resolution*, the OHIO STATE BOARD OF EDUCATION declared that it “shall require training for all state employees and contractors working with the Department of Education to identify their own implicit biases so that they can perform their duties to the citizens of Ohio without unconscious racial bias.”

21. Within the *Resolution*, the OHIO STATE BOARD OF EDUCATION explicitly directed “the Ohio Department of Education to reexamine the Academic Content Standards and Model Curriculums to make recommendations to the State Board of Education as necessary to eliminate bias and ensure that racism and the struggle for equality are accurately addressed.”

22. In further support of advancing the Marxist ideologies of critical race theory and the false proposition of systemic racism, the Ohio Department of Education has posted on its website support for the 1619 Project, a Marxist-inspired effort at revisionist history that falsely seeks to redefine and vilify the United States and its founding principles.

23. As a result of the OHIO STATE BOARD OF EDUCATION embracing and adopting Marxist ideologies that undermine the freedom-loving aspects of American society, a significant outcry and shock arose from freedom-loving individuals throughout the State of Ohio that such Marxist ideologies would even find solace and support in their public officials and, in particular, with the OHIO STATE BOARD OF EDUCATION and a majority of its members.

24. Pursuant to Section VII(I) of the Policies and Procedures of the OHIO STATE BOARD OF EDUCATION (<http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Policies-Procedures-Manual.pdf.aspx?lang=en-US>):

Members of the public have opportunities to address the State Board ... during the business meeting. Members of the public who wish to address the State Board on agenda items scheduled for a vote at the current meeting will be permitted to address the State Board before the casting of any vote. Individuals who wish to address the State Board on issues of general interest or items not scheduled for a vote at the current meeting will be permitted to address the State Board following the voting on items of business at that meeting. In either instance, the individual may speak for a period not to exceed five minutes. The president may impose further limitations on public participation as deemed appropriate or necessary.

25. Thus, the OHIO STATE BOARD OF EDUCATION has designated a portion of its public meetings as a public forum for members of the public to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION.

26. In meetings following adoption of the *Resolution*, members of the general public were afforded access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION and those members of the public made statements concerning the *Resolution*,

including those supportive of the Marxist agenda inherent in the *Resolution*, critical race theory and/or the 1619 Project.

27. According to the official minutes of the meeting of the OHIO STATE BOARD OF EDUCATION held on September 22, 2020, nine individuals spoke at the meeting on topics concerning the *Resolution*, critical race theory, the 1619 Project, *etc.*

28. The official minutes of the OHIO STATE BOARD OF EDUCATION held on September 21-22, 2020, are available on-line at <http://education.ohio.gov/getattachment/State-Board/State-Board-Meetings/State-Board-Meetings-for-2020/Sept-21-22-2020-Meeting-Minutes-Final.pdf.aspx?lang=en-US>.

29. According to the official minutes of the meeting of the OHIO STATE BOARD OF EDUCATION held on October 13, 2020, ten individuals spoke at the meeting on topics concerning the *Resolution*, critical race theory, the 1619 Project, *etc.*

30. The official minutes of the OHIO STATE BOARD OF EDUCATION held on October 12-13, 2020, are available on-line at <http://education.ohio.gov/getattachment/State-Board/State-Board-Meetings/State-Board-Meetings-for-2020/Oct-2020-Meeting-Minutes-Final.pdf.aspx?lang=en-US>.

31. According to the official minutes of the meeting of the OHIO STATE BOARD OF EDUCATION held on November 10, 2020, ten individuals spoke at the meeting on topics concerning the *Resolution*, critical race theory, the 1619 Project, *etc.*

32. The official minutes of the OHIO STATE BOARD OF EDUCATION held on November 9-10, 2020, are available on-line at <http://education.ohio.gov/getattachment/State-Board/State-Board-Meetings/State-Board-Meetings-for-2020/Nov-2020-Meeting-Minutes-Final.pdf.aspx?lang=en-US>.

33. At some time following the meeting of the OHIO STATE BOARD OF EDUCATION of November 10, 2020, LAURA KOHLER made the determination that she would preclude any member of the general public from making comments or providing testimony during the public participation portion of meetings of the OHIO STATE BOARD OF EDUCATION that relate or concern the action of the OHIO STATE BOARD OF EDUCATION in adopting the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*, and other related topics, including, without limitation, critical race theory or the 1619 Project.

34. Though not formally voting on it, the OHIO STATE BOARD OF EDUCATION has implicitly accepted and adopted the policy of precluding members of the general public from making comments during the public participation portion of meetings of the OHIO STATE BOARD OF EDUCATION that relate or concern the action of the OHIO STATE BOARD OF EDUCATION in adopting the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*, and other related topics, including, without limitation, critical race theory or the 1619 Project.

35. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER raised the subject of her decision to preclude members of the general public from making comments during the public participation portion of meetings of the OHIO STATE BOARD OF EDUCATION that relate or concern the action of the OHIO STATE BOARD OF EDUCATION in adopting the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*, and other related topics, including, without limitation, critical race theory or the 1619 Project.

36. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER acknowledged that, in advance of that meeting, she “had a couple of speakers who wanted to address the Board on critical race theory”, but that she denied those individuals access to or the opportunity to participate in the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION and she did so because the subject matter of their anticipated comments of these individuals were on a subject which she had decreed to be verboten.

37. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER specifically admitted that she personally made the decision to prohibit individuals access to or from participating in the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION, whenever such comments concerned two specific subject matters, viz., the 1619 Project and the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*.

38. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER specifically acknowledged that she had received three requests to access or participate in the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION but denied the three requests to access the public forum because of the subject matter of the anticipated comments, citing “the policy we have been using for the past 6 months”.

39. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER raised the prospect of potentially re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*

40. However, LAURA KOHLER ultimately characterized the prospect or idea of allowing full public comment and testimony on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, in the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION (which would be consistent with the First Amendment and the United States Constitution) to be a “misstep of proposing an idea that was half-baked, quarter-baked, not-baked-at all”.

41. Free and robust speech under the First Amendment is not an idea that is “half-baked, quarter-baked, [or] not-baked-at all”.

42. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, MERLYN JOHNSON described allowing the re-opening of the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, would be opening “a can of worms”, and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF

EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

43. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON decried having “to sit here and listen to the kinds of speeches that we heard after that Resolution [] passed” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

44. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON declared “I was really glad when [LAURA KOHLER] said we weren’t going to have those speeches anymore” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public

comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

45. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON declared that “I would just prefer that we not have a conversation about critical race theory, or 1619....” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

46. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON declared that “I don’t want to sit here again and listen to two months of people – they have their opinions.... This is not what I’m here for” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access

to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

47. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON declared that "I'm using race and I don't feel ashamed about that" and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

48. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MERLYN JOHNSON declared that if such public comments or testimony were allowed on such subjects then the meeting of the OHIO STATE BOARD OF EDUCATION "would no longer be a safe space for me" and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition

against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

49. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MARTHA MANCHESTER explicitly spoke “in support of the action [LAURA KOHLER] took” in closing off access to the general public of the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, and the 1619 Project, and, then, MARTHA MANCHESTER proceeded to characterize LAURA KOHLER as being “wise to do that”, and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

50. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and

established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, MARTHA MANCHESTER explicitly declared that “the position [LAURA KOHLER] [has] taken is the right one for the Board” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

51. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, ANTOINETTE MIRANDA declared that she did not think that “it will not serve any purpose to have a talk about critical race theory” and that “people don’t really understand it”, and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

52. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, ANTOINETTE MIRANDA explicitly “applaud[ed] [LAURA KOHLER] for not having any more people come forward” and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

53. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, in addressing the potential of re-opening the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject matters of the *Resolution*, critical race theory, the 1619 Project, *etc.*, CHRISTINA COLLINS declared that she was not supportive of “bringing in theories or words that are being misconstrued or supporting misconceptions” implicitly meaning public comments on such subject matters, and, in so doing, she publicly supported and advocated, under color of law, the continued prohibition against members of the general public having access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION to provide public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION

when such comments or testimony concerned the *Resolution*, as well as critical race theory and the 1619 Project.

54. During the course of the meeting of the OHIO STATE BOARD OF EDUCATION held on April 14, 2021, LAURA KOHLER ultimately announced that she personally would continue in place the policy, practice, or custom of the OHIO STATE BOARD OF EDUCATION and would continue to personally enforce and implement her prior decision and action to preclude access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject of the *Resolution*, critical race theory, the 1619 Project, etc.

**First Cause of Action
(42 U.S.C. 1983 – First Amendment)**

55. Plaintiff incorporates by reference the foregoing as if fully restate herein.

56. In advance of the meeting of the OHIO STATE BOARD OF EDUCATION scheduled for April 14, 2021, DANIEL REGENOLD requested and sought to be allowed access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject of critical race theory in the educational context.

57. Initially, DANIEL REGENOLD communicated his request to be allowed access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comments or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject of critical race theory in the educational context by oral communication with Alex Goodman, a staff member of the Ohio Department of Education and of the OHIO STATE BOARD OF EDUCATION.

58. During the course of his conversation with Alex Goodman, DANIEL REGENOLD was informed by Alex Goodman that LAURA KOHLER had personally made the decision to not accept any public comment or testimony during the course of public meetings of the OHIO STATE BOARD OF EDUCATION on the subject of "race".

59. Additionally, on March 5, 2021, DANIEL REGENOLD transmitted a letter to Ohio Governor DeWine (with copies to members of the OHIO STATE BOARD OF EDUCATION) criticizing the OHIO STATE BOARD OF EDUCATION and its radicalization and preoccupation with identity politics, as evidence by, *inter alia*, the *Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color*, its advancement of the Marxist ideology of critical race theory and its propagation of the 1619 Project.

60. A true and accurate copy of the letter sent by DANIEL REGENOLD is attached hereto as *Exhibit B*.

61. Following his conversation of Alex Goodman wherein he was informed of the policy, practice, and custom of the OHIO STATE BOARD OF EDUCATION and the specific actions of LAURA KOHLER to prohibits members of the general public access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION when such statement or testimony would concern the *Resolution*, critical race theory, or the 1619 Project, DANIEL REGENHOLD sent an e-mail to LAURA KOHLER reiterating his desire and intent to provide a public statement or testimony at the forthcoming meeting of the OHIO STATE BOARD OF EDUCATION:

When I used the word "Radical" State Board of Education in my letter to Governor DeWine the word seems to be portrayed accurately by your decision to limit speech. Such a decision is hard to justify – hard to believe. When you take your action to limit speech, with many of the other actions taken by the board in the last 9 months, it starts to present a clear view to Ohioans of the Board's intent.

I intend to testify in person on Tuesday, April 13, 2021 regarding Critical Race Theory an important topic in Ohio Education. Please send me a link and a time to prepare to testify.

62. In response to the e-mail from DANIEL REGENOLD, LAURA KOHLER acknowledged the policy, practice, and custom of the OHIO STATE BOARD OF EDUCATION, as well as her specific role in personally making the decision on such policy, to prohibit access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION when any member of the general public indicates that he or she will make a statement or testimony would concerning certain specific subjects, viz., the *Resolution*, critical race theory, or the 1619 Project:

As president, I made the decision in the late fall of 2020 to limit public comment on two issues, the Board's Resolution to Condemn Racism and to Advance Equity and Opportunity for Black Students, Indigenous Students and Students of Color (which was adopted in July, 2020) and the 1619 Project to written testimony only.

63. Thus, as a result of the policy, practice, and custom of the OHIO STATE BOARD OF EDUCATION, as well as the unconstitutional actions of LAURA KOHLER, individually and in her capacity as president of the OHIO STATE BOARD OF EDUCATION, and the other Defendants named herein in supporting and ratifying, under color of law, the prohibition against public statements or testimony at meetings concerning the subject matters of the *Resolution*, critical race theory, or the 1619 Project, DANIEL REGENOLD was denied access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION at its meeting on April 14, 2020.

64. As a result of the policy, practice, and custom of the OHIO STATE BOARD OF EDUCATION, as well as the unconstitutional actions of LAURA KOHLER, individually and in her capacity as president of the OHIO STATE BOARD OF EDUCATION, and the other Defendants named herein in supporting and ratifying, under color of law, the prohibition against

public statements or testimony at meetings concerning the subject matters of the *Resolution*, critical race theory, or the 1619 Project, other individuals were denied access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION at its meeting on April 14, 2020, and DANIEL REGENOLD (and other members of the general public) were denied the right to receive information and ideas from the public forum created and designated by the OHIO STATE BOARD OF EDUCATION.

65. In light of the actions and pronouncements by LAURA KOHLER at the meeting of OHIO STATE BOARD OF EDUCATION on April 14, 2021, together with the actions of MERLYN JOHNSON, MARTHA MANCHESTER, ANTOINETTE MIRANDA, and CHRISTINA COLLINS in providing explicit support, encouragement, and ratification of such actions and pronouncements by LAURA KOHLER at that same meeting, DANIEL REGENOLD and other members of the general public will continue to be denied access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION because they desire to make public comment and testimony in that forum upon one of the verboten subject matters concerning the *Resolution*, critical race theory, and/or the 1619 Project.

66. The actions and policies of the Defendants in denying DANIEL REGENOLD and others access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comment and testimony during the course of meetings of the OHIO STATE BOARD OF EDUCATION fails to comply with the standards and requirements for the regulation of activities protected by the First Amendment.

67. The actions and policies of the Defendants in denying DANIEL REGENOLD and others access to the public forum created and established by the OHIO STATE BOARD OF EDUCATION for public comment and testimony during the course of meetings of the OHIO

STATE BOARD OF EDUCATION has been undertaken in violation of the First and Fourteenth Amendments to the United States Constitution.

68. In order to prevent further violation of Plaintiff's constitutional rights by Defendants, as well as other who might wish to freely exercise their First Amendment rights in the same or similar manner during the designated portion of future meetings of the OHIO STATE BOARD OF EDUCATION, it is appropriate and proper that a declaratory judgment be issued, pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57, declaring unconstitutional the actions of Defendants in their individual capacity and the policy and practice of the OHIO STATE BOARD OF EDUCATION to prohibit or restrict public comments or testimony during meetings of the OHIO STATE BOARD OF EDUCATION based upon the content or subject matter, or the anticipated content or subject matter, of such comment or testimony.

69. Furthermore, pursuant to 28 U.S.C. § 2202 and Fed. R. Civ. P. 65, it is appropriate, and hereby requested, that this Court issue a preliminary and permanent injunction enjoining the Defendants from enforcing the prohibition on the advocacy by DANIEL REGENOLD (as well as others) as part of the public forum created or established by the OHIO STATE BOARD OF EDUCATION as part of its meetings.

70. As a direct and proximate result of the actions of the policy, practice, and customs of the OHIO STATE BOARD OF EDUCATION and the actions of the individual Defendants in their individual capacity, DANIEL REGENOLD has suffered and will continue to suffer irreparable harm for which there is no adequate remedy at law.

71. As a direct and proximate result of the individual Defendants' actions and conduct in their individual capacity, including their restriction and prohibition, under color of law, against DANIEL REGENOLD and others of having access to the public forum created and established by

the OHIO STATE BOARD OF EDUCATION, DANIEL REGENOLD has had his political speech directed to the public squelched, which has deprived him of his constitutional rights to freedom of speech as protected by the First Amendment, the right to petition the government for redress of grievances pursuant to the First Amendment, and the denial of equal protection of the law in violation of the rights afforded by the Fourteenth Amendment.

72. As a direct and proximate result of the individual Defendants' actions and conduct in their individual capacity, including their restriction and prohibition, under color of law, against the right to freedom of speech and to petition the government redress of grievances in the public forum at issue herein, DANIEL REGENOLD has suffered damage as a result thereof.

73. As a direct and proximate result of the individual Defendants' actions and conduct in their individual capacity, including their restriction and prohibition, under color of law, against the right to freedom of speech and to petition the government redress of grievances in the public forum at issue herein, DANIEL REGENOLD is entitled to recover damages for the violation of his constitutional rights.

WHEREFORE, Plaintiff prays for judgment against Defendants and that the Court:

A. Adjudge, decree and declare the rights and other legal relations of the parties to the subject matter in controversy in order that such declarations shall have the force and effect of final judgment and that the Court retain jurisdiction of this matter for the purpose of enforcing the Court's orders;

B. Pursuant to 28 U.S.C. §2201, declare that Defendants' policy, practice, and custom, as alleged above, as well as the actions of the individual Defendants herein as set forth above, violate and violated the First and Fourteenth Amendments to the United States Constitution;

- C. Pursuant to 28 U.S.C. §2202, 42 U.S.C. §1983, and Fed. R. Civ. P. 65 preliminarily and permanently enjoin Defendants from enforcing their unconstitutional policy, practice, and custom against Plaintiff and others similarly situated now or in the future, order Defendants to provide equal access to the public forum, and award damages to Plaintiff for the actions and conduct of the individual Defendants herein;
- D. Pursuant to 42 U.S.C. §1988 and other applicable law, award Plaintiff his costs and expenses incurred in bringing this action, including reasonable attorneys' fees; and
- E. Grant such other and further relief as the Court deems equitable, just and proper.

Respectfully submitted,

/s/ Curt C. Hartman
Curt C. Hartman
THE LAW FIRM OF CURT C. HARTMAN
7394 Ridgepoint Drive, Suite 8
Cincinnati, Ohio 45230
(513) 379-2923
hartmanlawfirm@fuse.net

Christopher P. Finney
FINNEY LAW FIRM, LLC
4270 Ivy Pointe Blvd., Suite 225
Cincinnati, Ohio 45245
(513) 943-6656
chris@finneylawfirm.com

Attorneys for Plaintiff



Resolution

20. **RESOLUTION TO CONDEMN RACISM AND TO ADVANCE EQUITY AND OPPORTUNITY FOR BLACK STUDENTS, INDIGENOUS STUDENTS AND STUDENTS OF COLOR**

The State Board of Education (the "Board") hereby **ADOPTS** the following Preambles and Resolution:

As our nation grapples with the hard truths of racism and inequality, we are listening with broken hearts and engaging with determined spirits. We acknowledge that Ohio's education system has not been immune to these problems, and while we earnestly strive to correct them, we have a great deal of work left to do.

Whereas the Ohio Strategic Plan for Education: 2019-2024 Each Child, Our Future, adopted by a resolution of the State Board of Education in June, 2018 begins with the vision that in Ohio each child is challenged to discover and learn, prepared to pursue a fulfilling post-high school path and empowered to become a resilient, lifelong learner who contributes to society; and

Whereas, Equity is our plan's greatest imperative and number one principle; and

Whereas profound disparities between Black, Indigenous and People of Color (BIPOC) students and their white peers exist in all parts of the Ohio education system; and

Whereas gaps between test performance of Black, Indigenous and People of Color (BIPOC) students and their white peers have been observed since Ohio began disaggregating the data; and

Whereas progress to close these gaps has been uneven and unsatisfactory; and

Whereas a culturally responsive curriculum reflects the history and background of all students, and empowers students to value all cultures, not just their own; and

Whereas research has shown that a culturally responsive curriculum can motivate students of color to a higher level of academic achievement and in many cases increase the graduation rate of previously disengaged students; and

Whereas, black male students lag far behind their white counterparts in several measures of educational attainment, including graduation rates, which keeps gainful employment out of reach, and

Whereas starting as early as preschool, black male students are affected disproportionately by suspensions, expulsions and zero-tolerance discipline policies in schools; and

Whereas "separate but equal" is no longer the law of the land, but systemic inequity in education has relegated millions of children of color to under-resourced, struggling schools; and

Whereas significant gaps between the performance of Black students compared to their white peers exist even in generously resourced schools; and

Exhibit A



Resolution

Item 20 continued

Whereas the State Board of Education believes that public schools are fundamental to our democratic society and we must be dedicated to equity and thoughtful teaching of future citizens that racism, bigotry and hatred have no place; and

Whereas, the path to equity begins with a deep understanding of the history of inequalities and inhumanity and how they have come to impact current society; therefore be it

Resolved, that the State Board of Education condemns, in the strongest possible terms, white supremacy culture, hate speech, hate crimes and violence in the service of hatred. These immoral ideologies and actions deserve no place in our country, state and school system. And be it

Further resolved, that the starting point of our work in racial equity must be reflection and internal examination, whereby the board will look for ways to engage our members in open and courageous conversations on racism and inequity; and be it

Further resolved that the State Board of Education shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias; and be it

Further resolved that the State Board of Education shall require training for all state employees and contractors working with the Department of Education to identify their own implicit biases so that they can perform their duties to the citizens of Ohio without unconscious racial bias; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to reexamine the Academic Content Standards and Model Curriculums to make recommendations to the State Board of Education as necessary to eliminate bias and ensure that racism and the struggle for equality are accurately addressed; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to continue the practice of ensuring all state administered tests are free of racial bias; and be it

Further resolved that the State Board of Education strongly recommends that all Ohio school districts begin a reflection and internal examination of their own involving all members of their school community to examine all facets of the school's operations; with a special emphasis on curriculum, hiring practices, staff development practices, and student discipline e.g. suspension/expulsion; and be it

Further resolved that the State Board of Education directs the Ohio Department of Education to provide support for school districts' reflection and internal examination, including identifying and sharing curricular models and resources; promoting sessions to allow districts to share and collaborate on their actions; and to share progress in implementing these changes; and be it



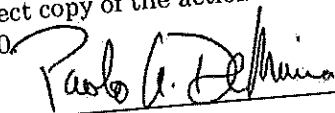
Resolution

Item 20 continued

Further resolved, that the State Board of Education will be led by our guiding document Each Child, Our Future and advocate for it as a framework for developing policy and action.

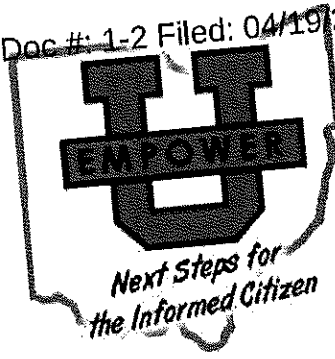
I certify that the above is a true and correct copy of the action taken by the State Board of Education at its meeting on July 14, 2020.

Columbus, Ohio
July 14, 2020



Paolo DeMaria
Superintendent of Public Instruction

March 5, 2021



Governor Mike DeWine
Governor's Office
Riffe Center, 30th Floor, 77th South High Street
Columbus, OH 43215-6117

Dear Governor DeWine,

You may remember me-- I run EmpowerUOhio.org a FREE university in Cincinnati that you spoke to the June of 2017. We are now in our 21st Semester of over 400 FREE classes offered to the public in the last 10 years--many of these classes were about Education in Ohio. Recently, while travelling, someone from Northern Ohio called me to share information about the State School Board of Ohio. Quite frankly, after a pretty good review of their work it concerns me.

This Ohioan who called me, warned about something called the Resolution to Condemn Racism and to Advance Equity. Specifically geared to Black and Indigenous Students this Resolution is a cut-and-paste job of Identity Politics that is circulating around Governments across Ohio—like Hamilton County. It has all the negatives that you hear about—indoctrination training for employees, a reflection and internal examination, an assumption that we all have implicit bias regardless of our *Heart*. This resolution clearly has the appearance of the start of Critical Race Theory.

After further review of the Ohio website I spoke with the State School Board President Laura Kohler and Superintendent Paolo Demaria about the fact that the disgraced 1619 Project has a link on their web site as a State of Ohio Resource. This link, offers teachers resources and lesson plans by Nikole Hannah-Jones and informs our Ohio students that "The truth is that democracy...has been born on the backs of black resistance. Black people have seen the worst of America." I asked President Kohler to take this link down because it's racist. President Kohler informed me that she is not opposed to having 1619 project information shared with students by a skilled teacher (even if factually incorrect).

I am writing you this note because I think the State of Ohio School Board is consumed by Identity Politics and is promoting Equity and Discrimination at the expense of Equality*. I believe the School Board has become a "Radicalized" and is outside the norm of Ohioans. When Ohioans find out this propaganda has made it into their kids schools they will not be happy. At EmpowerUOhio.org we will do everything we can to let Ohioans know the direction their State School Board is headed. I urge you to mix up the School Board to include more diversity of thought that truly represents Ohioans in a "color blind" manner, and not divide people with a clear division along racial lines.

Sincerely,

A handwritten signature in black ink that reads 'Dan Regenold'.

Daniel P. Regenold, Managing Board Member
EmpowerUOhio.org

*Please review Woodson 1776 curriculum. This is a history program that won't divide based on r

225 Northland Blvd., Cincinnati, OH 45246 * Email dan@EmpowerUOhio.org * (513)544-

Exhibit

Page Two
Governor Mike DeWine Letter

Cc:

- Ms. Laura Kohler, President
- Superintendent Paolo DeMaria
- Ms. Charlotte McGuire, VP, District 3
- Ms. Diana Fessler, District #1
- Ms. Kirsten Hill, District #2
- Ms. Jenny Kilgore
- Ms. Christina Collins, District 5
- Ms. Antoinette Miranda, District 6
- Mr. Tim Miller, District 7
- Mr. John Hagan, District 8
- Ms. Michelle Newman, District 9
- Mr. Brendan Shea, District 10
- Ms. Meryl Johnson, District 11
- Mr. Eric Poklar, Member at Large
- Mr. Mark Lamoncha, Member at Large
- Ms. Martha Manchester, Member at Large
- Mr. Mike Toal, Member at Large
- Mr. Steve Dackin, Member at Large
- Mr. Paul LaRue, Member At Large

- Representative Gayle Manning
- Representative Robert R. Cupp
- Representative Bill Seitz
- Senator George F. Lang
- Senatory Andrew O. Brenner
- Senator Louis W. Blessing, III
- Senator Matt Huffman
- Senator Nathan H. Manning

- The Cincinnati Enquirer
- The Columbus Dispatch
- The Cleveland Plain Dealer

-Email to 4,104 Statewide EmpowerU Attendees

-BCC—To several interested people.

From: DJoe2

Sent: Friday, May 14, 2021 4:57 PM

To: Rep99

Subject: Stop Critical Race Theory

Dear Representative Fowler-Arthur,

We are writing out of an abundance of concern over the teaching of critical race theory in Ohio's schools, government, and places of employment. We fiercely object to the abhorrent viewpoint that Blacks should forever be regarded as helpless victims, incapable of success regardless of their skills, talents, or hard work, or without aid from government or whites. Further, we absolutely object to the view that anyone be judged by the color of their skin rather than the content of their character. This is precisely the true definition of racism and utterly violates the movement for which such great civil rights leaders as Dr. Martin Luther King Jr. believed, fought, and died.

If institutions were genuinely serious about "diversity", they would not insist on the indoctrination of society to a single mindset, most reminiscent of the Chinese Cultural Revolution. Likewise, if they were serious about "inclusiveness", they would not insist on teaching the extraordinarily divisive idea that there are only, and always, two groups in this country: victims and oppressors. There is only one people group and it is that of a single human race! And please do not confuse the concept of equity (same outcome) with equality (same opportunity). We are ALL equal and important parts with differing talents in a much larger, far more complex, picture than this gutting and rewriting of our nation's history could possibly suggest.

Critical race theory fosters a divisive community where lip service is paid to freedom of speech in a cancel culture in which families of different races, which until recently were part of the same community, are now segregated into two. This is not progress, it is regression! Not a single moment nor a single penny should be spent teaching others to hate their country and each other! Your community is urging you to sponsor legislation to end this war on the races by stopping the teaching of critical race theory in all our institutions!

Respectfully,

Concerned, Registered Ohio Voters

From: Rep99
Sent: Monday, May 17, 2021 9:44 AM
BCC: Members_GOP; Staff_Legislative_Aide_GOP
Subject: CRT Information
Attachments: Woke Racism in School (K. Hill).pdf

Good morning,

As requested in the meeting a few weeks ago with Dr. Jenny Kilgore, Kirsten Hill and Lisa Woods I have attached their presentation with information about Critical Race Theory. There are links to additional resources included within the file.

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

Woke Racism in school:

Brainwashing the children

May 4, 2021

Adolf Hitler ***“He alone, who owns the youth, gains the future.”***

Vladimir Lenin ***“Give me one generation of youth and I’ll transform the whole world.”***

Speakers

- **Kirsten Hill, Current Elected Member, Ohio Board of Education** (Counties: Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood)
- **Lisa Woods, Former Elected Member, Ohio Board of Education** (Counties: Ashland, Medina, Richland, Wayne Parts of Cuyahoga, Holmes, Stark, Summit)
- **Kara Molfetta, Parent, Lakota Local Schools**

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

Outline

1. What is Critical Race Theory (CRT), 1619

Project?

2. CRT in Practice

3. Kohler Racist Equity Resolution

4. Promotion of CRT

5. Response to CRT

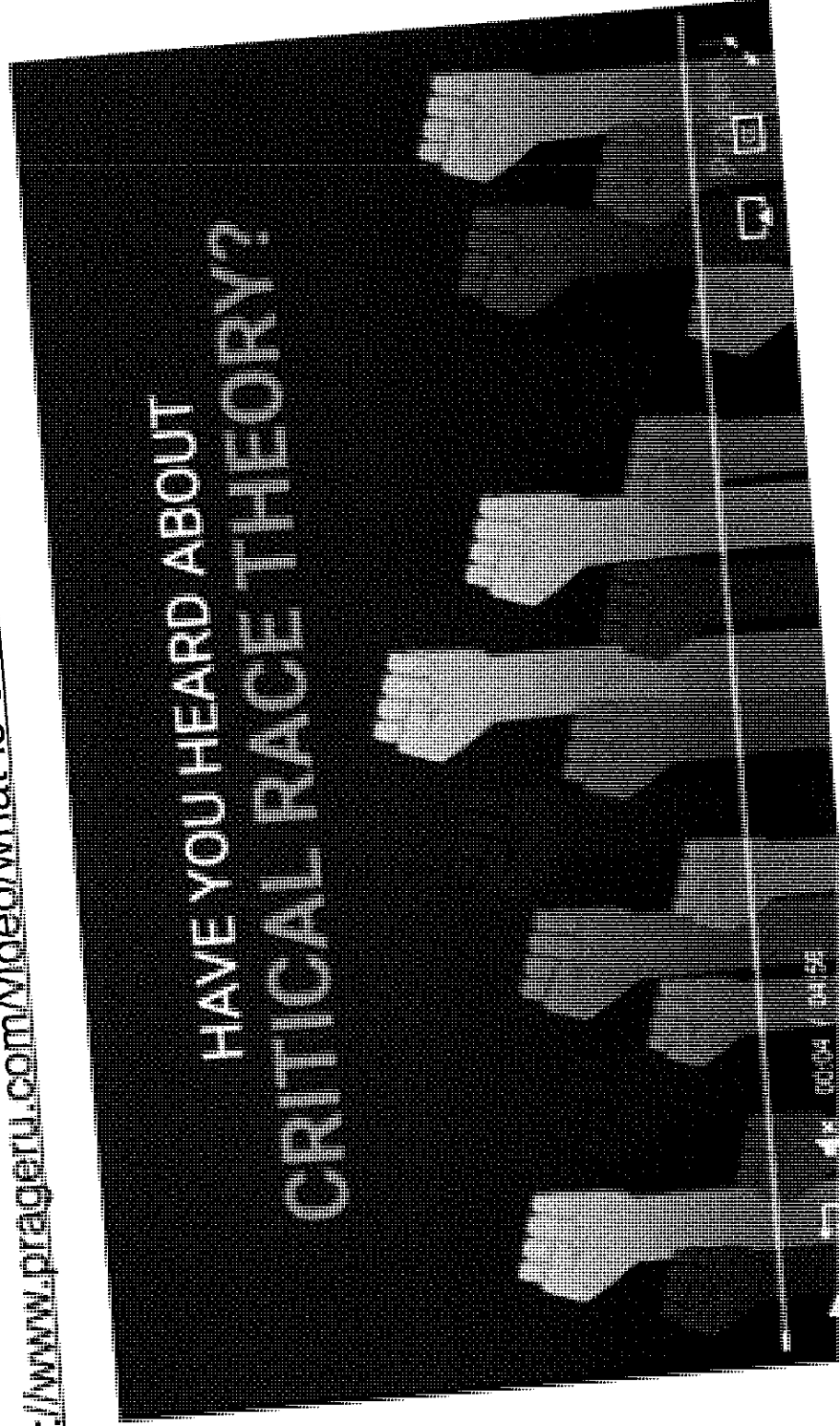
6. Questions

What is Critical Race Theory?

- First, Critical Race Theory views race and racism this way: race is a political construction that was invented by white people to give themselves power while excluding all other races from it, and racism is the ordinary state of affairs in society, present in all interactions, institutions, and phenomena, and effectively permanent in society
- Second, Critical Race Theory does not continue the legacy of the Civil Rights Movement, as many incorrectly believe. It is against liberalism and the liberal order upon which Western societies are founded, and it rejects both equality and neutral principles of constitutional law (these were the backbone of both the abolitionist movement that ended slavery and the Civil Rights Movement). It also rejects legal reasoning and Enlightenment rationalism. This makes Critical Race Theory unreasonable, illiberal, against equality, and anti-American, by definition.

What is Critical Race Theory?

- PragerU Video by James Lindsay
- <https://www.prageru.com/video/what-is-critical-race-theory/>



What is the 1619 Project?

- Posits that the true founding date was 1619 and based on slavery, not 1776.
- Nicole Hannah-Jones author
- Published in the *New York Times Magazine* in August 2019
- Historically inaccurate

What is the 1619 Project?

- The 1619 Project is an effort produced by the *New York Times Magazine*, specifically by Nikole Hannah-Jones among several other contributors. It was published therein in August of 2019, allegedly on the 400th anniversary of the “true” founding of the United States, when the first African slaves (or laborers) were brought to American soil. It was awarded a Pulitzer Prize.
- The 1619 Project therefore posits that the true founding date of the American republic is not 1776, with the signing of the Declaration of Independence, but rather 1619, allegedly when the first African slaves were brought to American soil at the Jamestown Colony. It goes further to posit that, because of this historical incident (supposing it is true and articulated accurately), the United States has always been a nation founded economically (see also, **capitalism**), thus politically (see also, liberalism), upon the institution of slavery, which was therefore encoded into the societal DNA of the American republic. That is, the 1619 Project exists to go beyond the claim that racism is America’s “Original Sin” to make the far more extraordinary claim (on very shaky evidence and weak argumentation) that it is, in fact, its genuine foundational principle.

IMPORTANT to learn more about

the American Mind

From the Editors

Salvos

Memos

Features

Podcast

Media



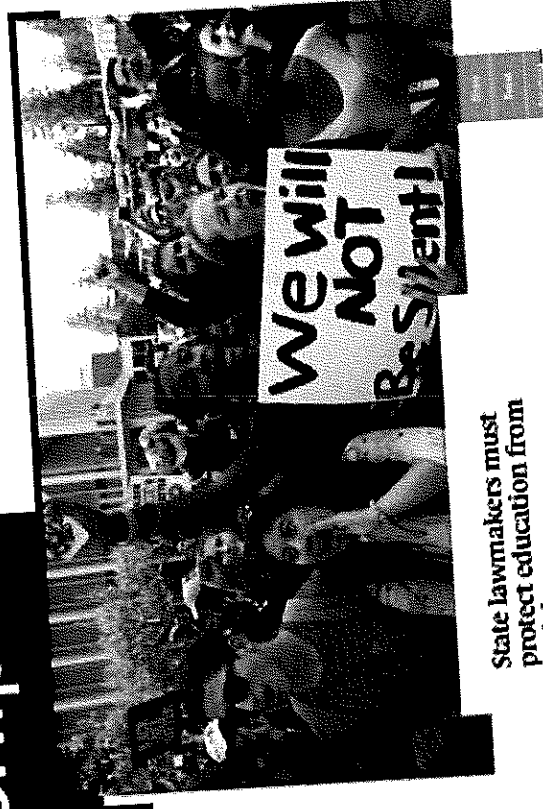
What is Action Civics?

"Action Civics" Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

<https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics>



State lawmakers must protect education from activism.

CRT in practice

- CRT is what is driving cancel culture in the schools.
- Those calling out systemic racism are looking to cancel people that don't agree.
- All this activism in the classroom is hurting students academically. The activism is directly taking away time with teachers learning the language, math, arts and sciences.(1)
- Causing division - Think Marx's premise of the oppressors and the oppressed. It was the bourgeois vs. the proletariat.(2) Now it's just pitting woke against non-woke.

CRT in practice

- How to recognize it. The purveyors will deny it's existence. They are being deceptive. **Language matters.**
- Watch for these words: **equity, culturally-responsive curriculum, anti-racist, racial sensitivity, unconscious or implicit bias, cultural awareness, "Diversity, Inclusion, Equity, Justice", white privilege, whiteness, white supremacy**
- 'Anti-racist' is really 'Woke Racism'.

CRT in practice

- Makes children think of themselves as oppressors or victims.
- April 22, 2021 (VA.) Virginia getting rid of Algebra, Algebra II and Geometry for all students before 11th grade. (Looking through a 'racial lense' first. Take higher end students and bring them down. Lowering the bar.) (1)

CRT in practice

- "Change Agents": Executive Director of the Ohio Council of Teachers of Mathematics
- Akron Beacon Journal

Yoak also works on those issues through OCTM, whose two main goals right now are to support math teachers and earning, and to promote policies and practices that support equity and inclusiveness in math.

"A very easy one to sight is the traditional history of tracking students and teachers, meaning that there's the honors level, the general level and the lower level. What we know from loads and loads of evidence and data is that in the honors track we have an overrepresentation of white students and often Asian students; and in the lower tracks we have an overrepresentation of students of color. That is clear, and there's no way around that," she said.

However, the data shows that by eliminating tracking and replacing it with a student-focused, equity-centered and reasoning-based math experience, all students improve, Yoak

Akron Beacon Journal

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Change Agents: Stow educational consultant aims to bring equity, empowerment to math class

Krista S. Keno Akron Beacon Journal
Published 6:07 a.m. ET Apr. 28, 2021

View Comments

Growing up in Stow, Kim Yoak loved playing with Tinkertoys, Legos, Connect 4, and Chutes and Ladders, but it wasn't until she was older that she recognized what they all had in common: math.

In fact, most of her playthings involved dice, counting, problem-solving or pattern recognition, and through those games she developed confidence in her mathematical abilities.

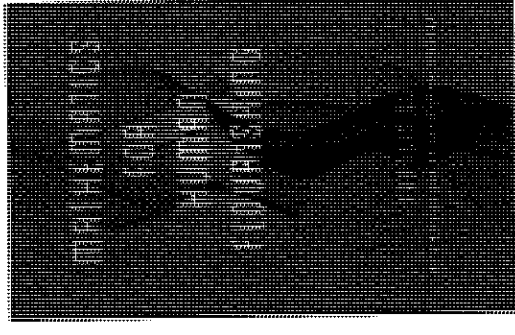
Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the



As executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students develop confidence in their mathematical abilities.

CRT in practice

- Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.
- Review of the book, “Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



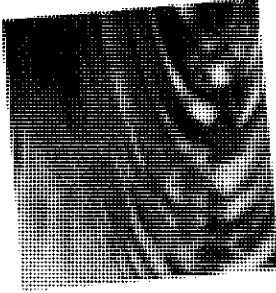
CRT in practice

• Educational? Community Conference **Be the Ripple: YOU are the Change Agent in Education**

Join Kent State University's aspiring teachers and school leaders on Tuesday, May 11, 2021 for our 5th annual FREE educational community conference. We welcome K-12 students, teachers, staff, school leaders, social workers, guidance counselors, psychologists, families, Board members, community members, activists, organizational leaders, and political representatives to engage with us.

How do you register for this FREE educational conference? Please click on the link below and choose the sessions you want to attend. The last day to register is Sunday, May 9th. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10th.

<https://www.kiaincunconline.com/info/580914ADAF28A6F5E-8ed0e0016>



Highlights
are speaker's.

Invitation was
received
to attend
this event.

Conference Sessions

8:00-9:30 AM

OPENING SESSION: Be the Pebble and Make the Ripples: Meet School Community Members Making Real Changes in School Communities.

What Does it Really Mean to be Inclusive?

9:35-11:00 AM

Who is on the Front Line? What You Need to Know About Promoting Equity for Black and Brown Students.

9:35-11:00 AM

What is Equitable Access in Schools? How do We Ensure All Students have Access to Resources to be Successful?

9:35-11:00 AM

"Don't Touch My Hair": Understanding Culturally Responsive Practices.

9:35-11:00 AM

Where is My Next Meal Coming From? Students, Families, and Food Insecurities and How These Realities Affect Learning.

11:05-12:30 PM

Screaming Out Loud: Be an Advocate for School Community Members Facing Mental Health Challenges.

11:05-12:30 PM

What Does it Mean to Involve and Empower Families in Schools?

11:05-12:30 PM

How to Authentically Serve the LGBTQ School Community.

12:35-2:00 PM

It's the Little Things, Right? The Influence of Implicit Bias.

12:35-2:00 PM

How to Use Music to Motivate Students and Their Learning.

12:35-2:00 PM

CLOSING SESSION: Imposed Silence: Meet School Community Members Who Speak Truth to Power!

2:05-3:30 PM

Conference Sessions

Timeline at Ohio Board of Education (OBE)

June 2020 - Kohler announcement of resolution she'll bring forward

July 2021 - Complete revision and much more extensive (Contributors: Kohler, Haycock, Dodd, Johnson)

July 14, 2021 Kohler Racist Equity Resolution approved.

Link to Resolution: http://education.ohio.gov/getattachment/State-Board/State-Board-Reports-and-Policies/Equity_Resolution.pdf.aspx?lang=en-US

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

December, 2020 through May 2021 - **Board president has denied verbal testimony if person is anticipated to speak on CRT or 1619 Project.**

OBE Vote Tally on Kohler's Racist Equity Resolution (#20) July 14, 2020

Member Type	Yes	No
Appointed	Steve Dackin	Sarah Fowler Arthur Elected
Elected	Stephanie Dodd	John Hagan Elected
Elected	Linda Haycock	Kirsten Hill Elected
Elected	Meryl Johnson	Charlotte McGuire Elected
Appointed	Laura Kohler	Lisa Woods Elected
Appointed	Mark LaMoncha	5
Appointed	Martha Manchester	Abstain
Elected	Antoinette Miranda	Jenny Kilgore Elected
Elected	Nick Owens	1
Appointed	Erik Poklar	
Appointed	Mike Toal	
Appointed	Reggie Wilkinson	

Source: <https://kirstenhill.com/2020/07/15/racism-and-inequities-against-blacks-indigenous-and-people-of-color-addressed-in-late-night-resolution-passed-by-the-ohio-state-board-of-education/>

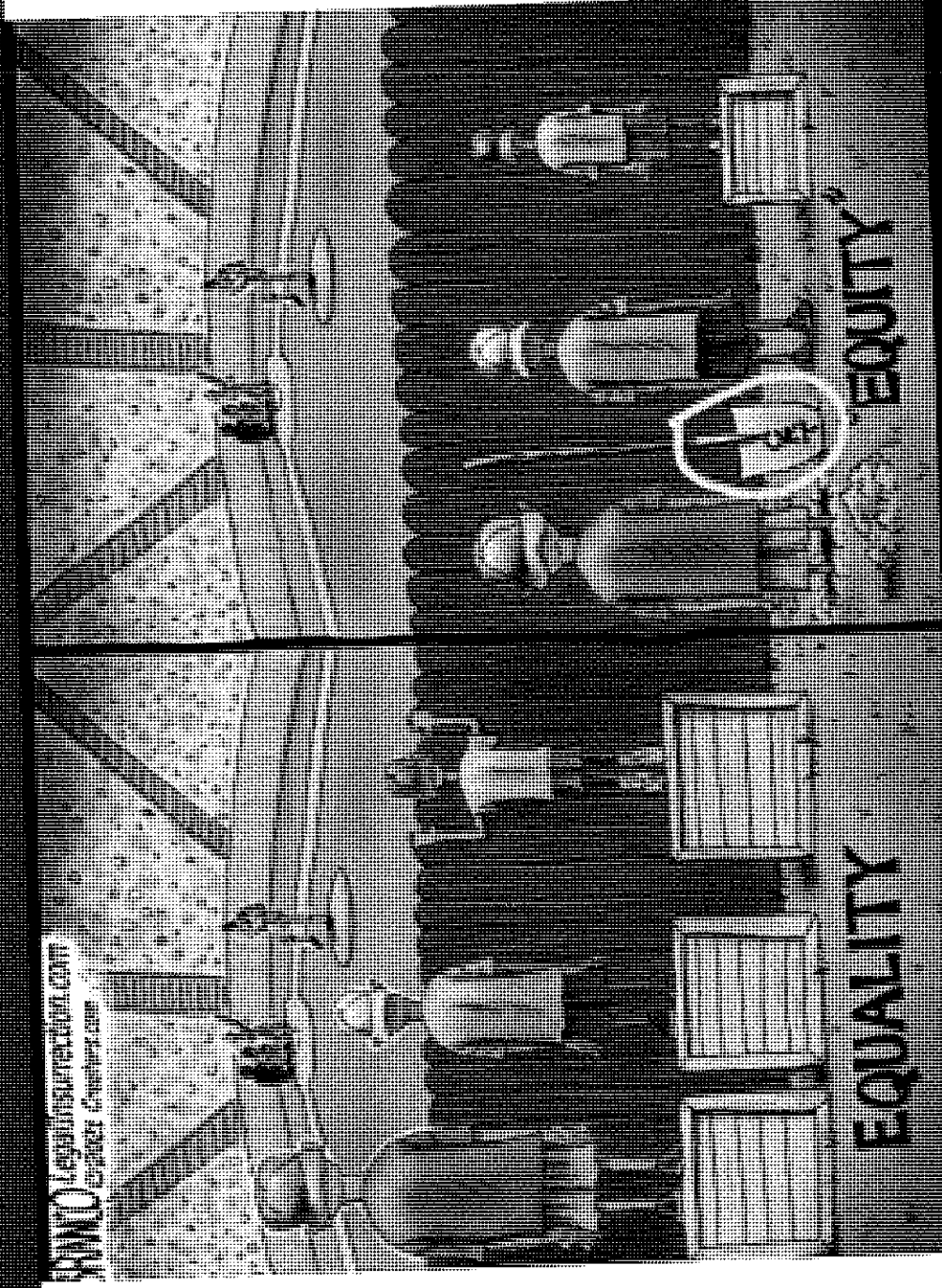
What is in Kohler's Racist Equity Resolution?

Whereas, **Equity** is our plan's
greatest imperative and number
one principle;

...Where equality means that citizen A and citizen B are treated equally, equity means "adjusting shares in order to make citizens A and B equal." In that sense, equity is something like a kind of "social **communism**," if we will—the intentional redistribution of shares, but not necessarily along lines of existing economic disparity but in order to adjust for and correct current and historical **injustices**,...

...the measurement for equity is wholly on assessing the most superficial aspects of outcomes and then ascribing any differences from either demographic parity or parity adjusted upward to "correct" for historical exclusion to systemic bigotry. That is, in practice, an equity approach is almost wholly **unconcerned with the root causes** of disparate outcomes and merely seeks to identify where they occur and then artificially "correct" them, perhaps through preferential hiring, grading, promotion, pay, etc., by eliminating measurements that reveal disparities like standardized testing, by open, secret, or tacit discrimination against "dominant" group members, or even by installing quotas and specific guidelines for how outcomes must come out, **regardless of what leads to them**. In that sense, it is a very impoverished theory that is unlikely to achieve any of its stated goals (and will probably hurt most those it claims to help). ...

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

- implicit bias training for ODE employees and contractors required**
- strongly recommends that all Ohio school districts examine hiring, curriculum & student discipline for internal bias**

How are OBE members promoting?

- **Kohler & DeMaria at Cleveland City Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)
- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)
- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

- **OBE meeting agendas include presentations from local superintendents presenting their equity work.**
- **Dackin, chair of OBE legislative sub-committee, “We will look at everything through an equity lense.” (paraphrased.)**
- **Kohler denial of public comment at OBE meetings based on anticipated topic of member of the public.**

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfYUfCcTop3NoDmxKZUAN7xMiVuqhIINBizKz-lh7yPPqTPFgYzmd5NqKtEdpVugB6GoZwPWR/pubhtml>
This was posted on the ODE website until taken down in fall, 2020.
- **Link to 1619 Project is on ODE website. Link:** <http://education.ohio.gov/Topics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>
- **DeMaria presented to OBE at meeting about new rubric being used to screen the S.S. content posted on ODE website.**
- **Grants are going to local Ohio districts for equity work.**
- **Equity training webinars offered by ODE (April-May, 2021)**

How is ODE implementing?

Paraphrasing of phrasing

- Yano, “**Looking at legislation through an equity lens.**”
- Superintendent DeMaria often points out the **equity** is our highest aspiration as in Strategic Plan “**Each Child Our Future**” . We do all our work looking through a diversity, inclusion and equity.

How are local school districts implementing?

- **Gahanna-Jefferson (Licking County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Athens City Schools (Athens County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Northwest Local (Hamilton County)** <http://education.ohio.gov/Topics/Equity-in-Education>
- **Hilliard City Schools (Franklin County) Part 1** <https://www.youtube.com/watch?v=SACNA11odVA>

Part 2 https://www.youtube.com/watch?v=Ld7_g-89FFA

- **Beachwood**
- **Rocky River**

How are local school districts implementing?

- **Kings Local Schools** (Warren County)
 - <https://www.youtube.com/watch?v=jvzLLOu-fRo>
 - <https://www.kingslocal.net/district-resources/cultural-competence%2C-equity-%2B-inclusion-33/>
- **Lakota Local Schools** (Butler County)
 - <https://www.youtube.com/watch?v=k7LE71U9n9w>
- **Ohio Department of Education website - local school presentations at Ohio Board of Education meetings Link:** <http://education.ohio.gov/Topics/Equity-in-Education>

Others assisting with implementing CRT?

- **Ohio School Board Association** - <https://www.ohioschoolboards.org/diversity-equity-consulting-services>
- **Ohio Council for the Social Studies - links “The 1619 Project Grant Opportunity” on website. The 1619 Project Education Network (Pullitzer Center) is giving out \$5,000 grants to teachers who apply. Facebook is the lead supporter.**

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydM YUM90mmFo-55l

Teacher Pipeline

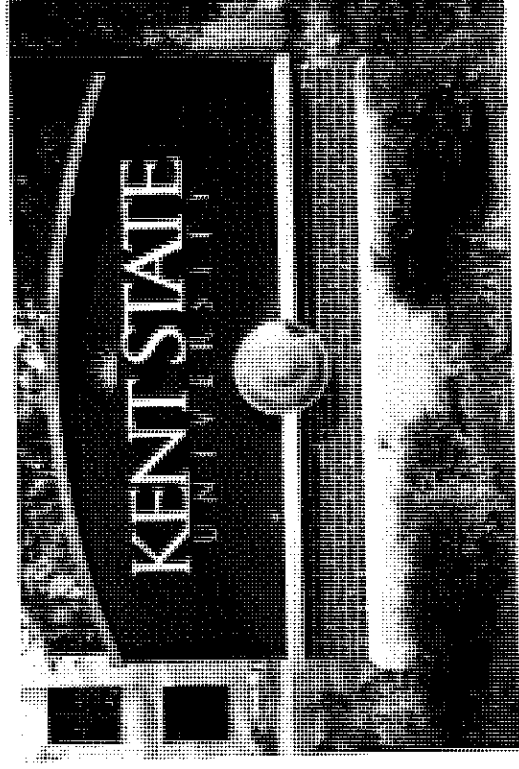
THE COLLEGE FIX

ORIGINAL. STUDENT REPORTED. YOUR DAILY DOSE OF RIGHT-MINDED NEWS AND COMMENTARY FROM ACROSS THE NATION.

HIGHER EDUCATION RACIAL ISSUES

Kent State establishes 'Anti-Racism and Equity Institute' to become an 'exemplar in race scholarship'

ESTHER WERMER - BOYCE COLLEGE • MARCH 26, 2021

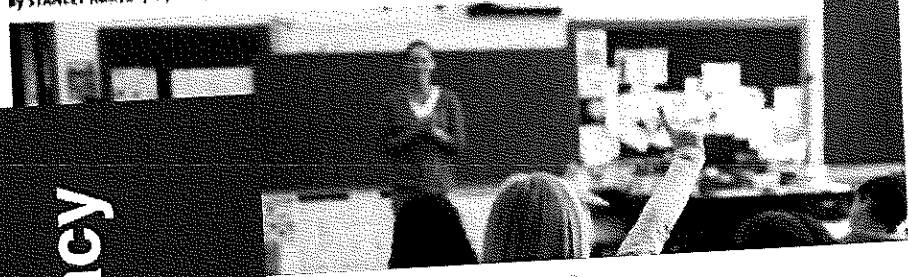


THE CORNER

EDUCATION

How to Keep CRT and Action Civics Out of K-12

By STANLEY KURTZ | April 29, 2023 8:05 AM



How is Federal government implementing?

• Kurtz's explains "Civics Secures Democracy Act" - \$6 billion in grants by U.S. DOE



Responses (in Ohio)

- Testimony at OBE meetings September, October & November

September testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/September%2021-22-2020/Public%20Participation/>

October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

November testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/November-2020/Public%20Participation/>

- ODE quietly removed the Anti-Racist, Allyship Starter Pack (teacher material list) from ODE website but will not remove 1619 Project.

Responses (nat'l)

- 1619 Project debunked by Peter Wood's book, **1620**



1620

*A Critical Response
to the 1619 Project*

PETER W. WOOD

Copyrighted Material

Responses

• Review of **1620** by Phil Magness, senior research fellow, American Institute for Economic Research.

• Peter Wood's survey of the landscape of scholarly criticism has provided a valuable service, both in assessing the heated historical debates around the 1619 Project and by offering readers an accessible roadmap with which to navigate its many controversies. Unfortunately, the New York Times has thus far conspicuously avoided the most salient criticism of its work. This helpful guide masterfully curates the scholarly scrutiny that the newspaper evaded and ignored, equipping the reader to approach the 1619 Project with a discerning eye for evidence-based history.

Literature

THE NEW YORK TIMES

Smashing "Whiteness" in the Classroom

Ohio's education department offered—and withdrew, at least for now—a startling collection of "antiracist" teaching supplements.

Max Eden
October 26, 2021
Education: The Social Order

<https://www.city-journal.org/ohio-education-department->

- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

Literature

- **The Diversity Delusion** by Heather MacDonald
- **Crimes of the Educators** by Samuel Blumenthal
and Alex Newman
- **“Action Civics Replaces Citizenship with
Partisanship”** by Stanley Kurtz [https://americanmind.org/memo/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/)
- **”Making Citizens: How American Universities
Teach Civics”** by David Randall [https://www.nas.org/reports/
making-citizens-how-american-universities-teach-civics](https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics)

Literature



STOP CRITICAL RACE
THEORY IN OHIO

- **Extensive list of resources on the Stop Critical Race Theory dot com website - Link: <https://stopcriticalracetheory.com/resources/>**
- **Common Critical Race Theory Vocabulary - Link: <https://kirstenhill.com/2021/05/13/common-vocabulary-of-critical-race-theory/>**

Videos

- **OBE board meetings on The Ohio Channel (2020 - July through Dec.; 2021 - Jan through May)**
- **“What are your kids learning in school?”** <https://www.prageru.com/video/what-are-your-kids-learning-in-school/>

What you can do

(for the U.S.A, for Western Civilization)

• **IMPORTANT**

- **Comment of Federal Register**
- **Take Action** –Comments are being received at the Federal Register website on the latest push to change American History and Civics Education. The proposed rule change is coming out of the Biden U.S. Department of Education. Make comments here by May 19, 2021: <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>.
- The New York Times 1619 Project and Kendi's book, How to be an Antiracist, are referenced and linked in support of this proposed rule.

What you can do

(for the U.S.A, for Western Civilization)

- **Scan this barcode**
to comment on
Federal Education
Rule



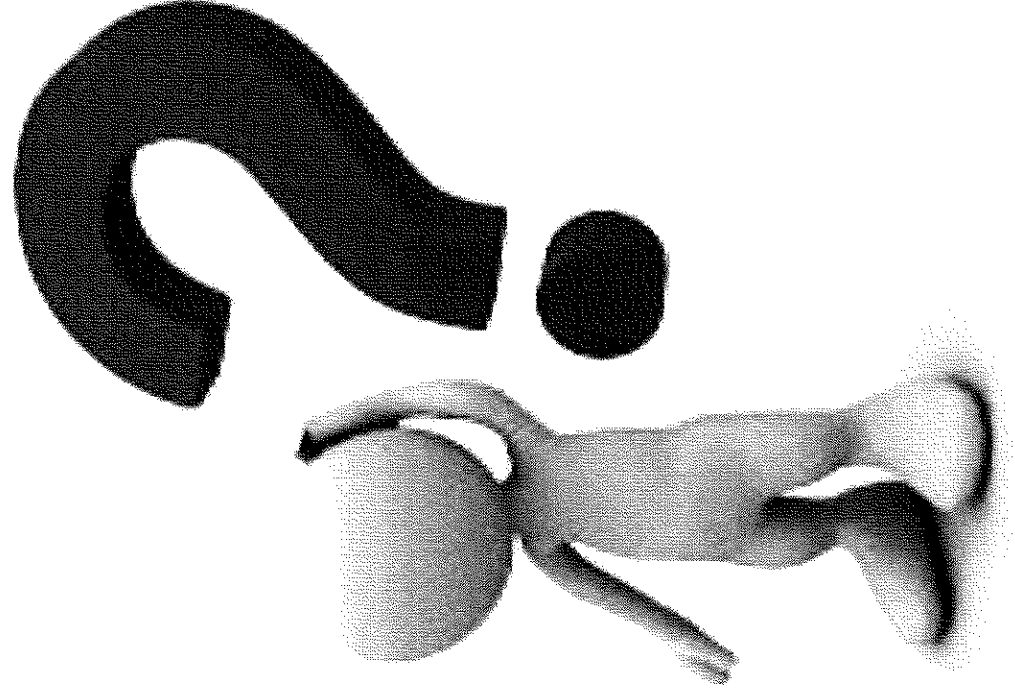
Speaker

**Kara Molfetta, parent,
Lakota Local Schools.**

withlovefrommimi@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: jstover1@aol.com

Sent: Wednesday, May 19, 2021 8:42 AM

To: Rep01; Rep02; Rep03; Rep04; Rep05; Rep07; Rep23; Rep27; Rep29; Rep30; Rep36; Rep38; Rep40; Rep41; Rep42; Rep43; Rep47; Rep48; Rep50; Rep51; Rep52; Rep53; Rep54; Rep55; Rep57; Rep59; Rep61; Rep62; Rep63; Rep65; Rep66; Rep67; Rep68; Rep69; Rep70; Rep71; Rep72; Rep73; Rep74; Rep75; Rep76; Rep77; Rep78; Rep79; Rep80; Rep81; Rep82; Rep83; Rep84; Rep85; Rep86; Rep87; Rep88; Rep89; Rep90; Rep91; Rep92; Rep93; Rep94; Rep95; Rep96; Rep97; Rep98; Rep99

Subject: Fwd: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

Republican House Members:

Many of you may not have received the below e-mail which went out yesterday regarding the State Board and the subject of Critical Race Theory (CRT). It is important that the state of Ohio passes legislation to prohibit the teaching of this indoctrination to students.

John Stover, President
Ohio Value Voters

Ohio Value Voters

Since 2007: Protecting Faith, Family, Freedom,
and the Sanctity of Life

The State Board of Education Promotes Critical Race
Theory But Won't Allow Public Comment



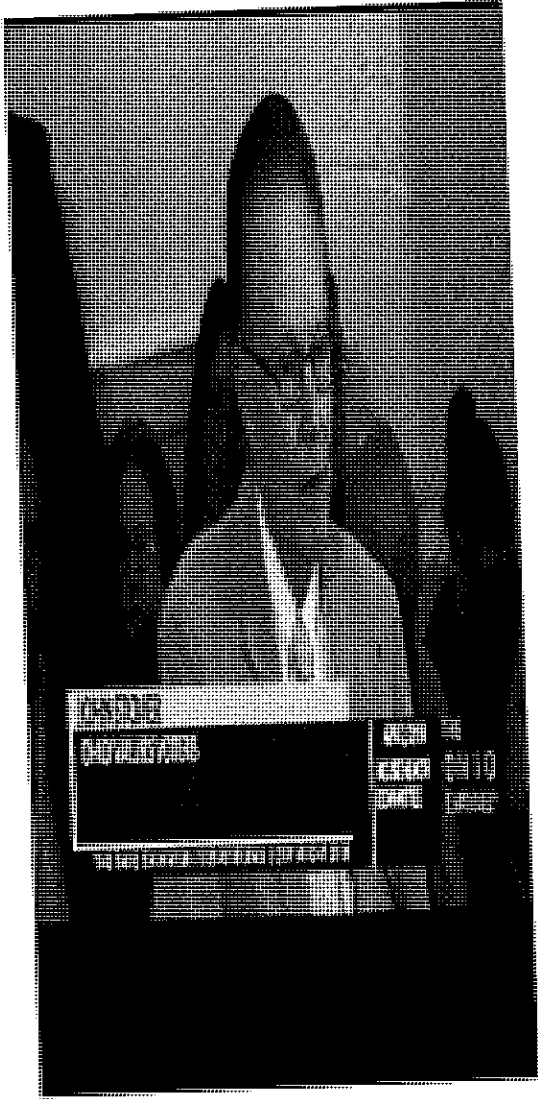
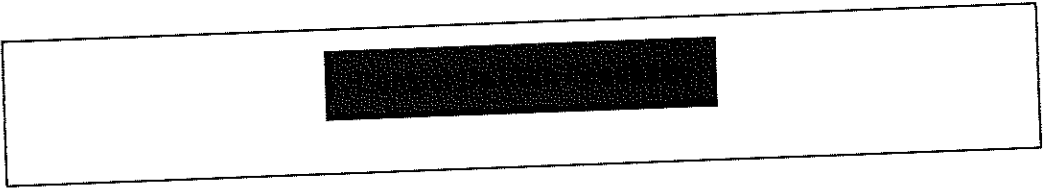
A resolution declaring Ohio and its education system as systemically racist against blacks, indigenous people and people of color and in need of internal examination, correction for achievement gaps, disparate discipline, white privilege, white supremacy, cultural insensitivity, hate speech and implicit bias was approved by the Ohio State Board of Education in a 12 to 5 vote at 11:00 pm on Tuesday, July 14, 2020.

The state's academic standards, curriculum, resources and tests are to be reviewed to eliminate cultural insensitivity, racial bias, white privilege and white supremacy. The state education department is instructed to provide support to local school districts to do the same. State employees and contractors to schools are required to attend implicit bias training. Training for board members, state and local, is to take place to address the ills.

Given the magnitude of what the Ohio Department of Education and the State Board of Education have imposed upon the school districts of Ohio it boggles the mind to understand how these same members can shut down all discussion with the public about this matter. Meryl Johnson is often sighted as the most knowledgeable subject matter expert on racism of the State School Board members in Ohio. Now she is passionate that this subject should NOT be discussed at the State Board of Education but wants it discussed in every school in Ohio.

WATCH





Thank you for your prayers and support.

Sincerely,
John Stover, President

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From: Rep99
Sent: Wednesday, May 19, 2021 10:38 AM
To: Fowler Arthur, Sarah
Subject: FW: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

From: jstover1@aol.com <jstover1@aol.com>
Sent: Wednesday, May 19, 2021 8:42 AM
To: Rep01 <Rep01@ohiohouse.gov>; Rep02 <Rep02@ohiohouse.gov>; Rep03 <Rep03@ohiohouse.gov>; Rep04 <Rep04@ohiohouse.gov>; Rep05 <Rep05@ohiohouse.gov>; Rep07 <Rep07@ohiohouse.gov>; Rep23 <Rep23@ohiohouse.gov>; Rep27 <Rep27@ohiohouse.gov>; Rep29 <Rep29@ohiohouse.gov>; Rep30 <Rep30@ohiohouse.gov>; Rep36 <Rep36@ohiohouse.gov>; Rep38 <Rep38@ohiohouse.gov>; Rep40 <Rep40@ohiohouse.gov>; Rep41 <Rep41@ohiohouse.gov>; Rep42 <Rep42@ohiohouse.gov>; Rep43 <Rep43@ohiohouse.gov>; Rep47 <Rep47@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep50 <Rep50@ohiohouse.gov>; Rep51 <Rep51@ohiohouse.gov>; Rep52 <Rep52@ohiohouse.gov>; Rep53 <Rep53@ohiohouse.gov>; Rep54 <Rep54@ohiohouse.gov>; Rep55 <Rep55@ohiohouse.gov>; Rep57 <Rep57@ohiohouse.gov>; Rep59 <Rep59@ohiohouse.gov>; Rep61 <Rep61@ohiohouse.gov>; Rep62 <Rep62@ohiohouse.gov>; Rep63 <Rep63@ohiohouse.gov>; Rep65 <Rep65@ohiohouse.gov>; Rep66 <Rep66@ohiohouse.gov>; Rep67 <Rep67@ohiohouse.gov>; Rep68 <Rep68@ohiohouse.gov>; Rep69 <Rep69@ohiohouse.gov>; Rep70 <Rep70@ohiohouse.gov>; Rep71 <Rep71@ohiohouse.gov>; Rep72 <Rep72@ohiohouse.gov>; Rep73 <Rep73@ohiohouse.gov>; Rep74 <Rep74@ohiohouse.gov>; Rep75 <Rep75@ohiohouse.gov>; Rep76 <Rep76@ohiohouse.gov>; Rep77 <Rep77@ohiohouse.gov>; Rep78 <Rep78@ohiohouse.gov>; Rep79 <Rep79@ohiohouse.gov>; Rep80 <Rep80@ohiohouse.gov>; Rep81 <Rep81@ohiohouse.gov>; Rep82 <Rep82@ohiohouse.gov>; Rep83 <Rep83@ohiohouse.gov>; Rep84 <Rep84@ohiohouse.gov>; Rep85 <Rep85@ohiohouse.gov>; Rep86 <Rep86@ohiohouse.gov>; Rep87 <Rep87@ohiohouse.gov>; Rep88 <Rep88@ohiohouse.gov>; Rep89 <Rep89@ohiohouse.gov>; Rep90 <Rep90@ohiohouse.gov>; Rep91 <Rep91@ohiohouse.gov>; Rep92 <Rep92@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>; Rep94 <Rep94@ohiohouse.gov>; Rep95 <Rep95@ohiohouse.gov>; Rep96 <Rep96@ohiohouse.gov>; Rep97 <Rep97@ohiohouse.gov>; Rep98 <Rep98@ohiohouse.gov>; Rep99 <Rep99@ohiohouse.gov>
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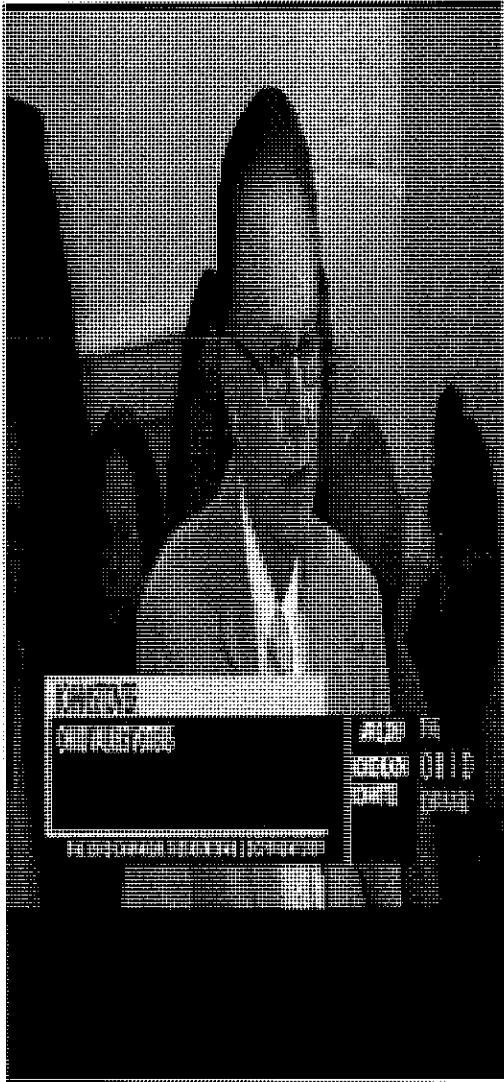
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WATCH





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John Stover, President

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Small vertical text on the left margin, likely a page number or reference code.

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Sent: Wednesday, May 19, 2021 10:30 PM

To: Rep01; Rep02; Rep03; Rep04; Rep05; Rep07; Rep23; Rep27; Rep29; Rep30; Rep36; Rep38; Rep40; Rep41; Rep42; Rep43; Rep47; Rep48; Rep50; Rep51; Rep52; Rep53; Rep54; Rep55; Rep57; Rep59; Rep61; Rep62; Rep63; Rep65; Rep66; Rep67; Rep68; Rep69; Rep70; Rep71; Rep72; Rep73; Rep74; Rep75; Rep76; Rep77; Rep78; Rep79; Rep80; Rep81; Rep82; Rep83; Rep84; Rep85; Rep86; Rep87; Rep88; Rep89; Rep90; Rep91; Rep92; Rep93; Rep94; Rep95; Rep96; Rep97; Rep98; Rep99

Subject: Critical Race Theory (CRT) Bill Sponsor Request...

Attachments: Heritage Foundation - Critical Race Theory.pdf; 1_134_1448-1.pdf

Republican House Members:

If you are not currently a sponsor, Ohio Value Voters is respectfully requesting your sponsorship of a Critical Race Theory (CRT) bill (attachment) which is jointly sponsored by Rep. Diane Grendell and Rep. Sarah Fowler Arthur. This bill will prohibit the racist indoctrination of students in Ohio classrooms.

In Ohio, the following was written by a Mad River school district teacher:

"I am ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

Provided are two documents which explain the issues of Critical Race Theory:

Peter Kirsanow ==> <https://conta.cc/3uY8JFS>

Heritage Foundation (attached)

Parents across Ohio have contacted our organization expressing their concerns with CRT in their schools.

Thank you.

John Stover, President
Ohio Value Voters

Critical Race Theory, the New Intolerance, and Its Grip on America

Jonathan Butcher and Mike Gonzalez

KEY TAKEAWAYS

Critical Race Theory makes race the prism through which its proponents analyze all aspects of American life.

CRT underpins identity politics, which reimagines the U.S. as a nation riven by groups, each with specific claims on victimization.

CRT's intolerance can be found in schools, the workplace, and the entertainment sector, "normalizing" belief in systemic racism for the average American.

As its name should make abundantly clear, Critical Race Theory (CRT) is the child of Critical Theory (CT), or, to be more precise, its grandchild. Critical Theory is the immediate forebearer of Critical *Legal* Theory (CLT), and CLT begat CRT. As we discuss in this *Backgrounder*, however, there are strong thematic components linking CT, CLT, and CRT. Among these are:

- The Marxist analysis of society made up of categories of oppressors and oppressed;
- An unhealthy dollop of Nietzschean relativism, which means that language does not accord to an objective reality, but is the mere instrument of power dynamics;

This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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- The idea that the oppressed impede revolution when they adhere to the cultural beliefs of their oppressors—and must be put through re-education sessions;
- The concomitant need to dismantle all societal norms through relentless criticism; and
- The replacement of all systems of power and even the descriptions of those systems with a worldview that describes only oppressors and the oppressed.

Far from being merely esoteric academic exercises, these philosophies have real-life consequences.

CRT scholars likely cite CLT, not CT, as their genesis: “Critical race theory builds on the insights of two previous movements, critical legal studies and radical feminism,” wrote one of architects of CRT, Richard Delgado, with his wife, Jean Stefancic, in perhaps the most widely read primer on CRT, *Critical Race Theory, An Introduction*.¹ Angela P. Harris—also a major early figure of CRT—agrees, though she attributes co-parentage to a different source. She said:

For me, Critical Race Theory (CRT) began in July of 1989, at the First Annual Workshop of Critical Race Theory at St. Benedict's Center, Madison, Wisconsin. CRT looked like a promise: a theory that would link the methods of Critical Legal Studies [CLS] with the political commitments of “traditional civil rights scholarship” in a way that would revitalize scholarship on race and correct the deconstructive excesses of CLS.²

This strong political commitment is at the core of CRT. Americans should defend civil rights, and we should actively work to eliminate racism in the U.S. and anywhere it exists—but as we document in this *Background*, these noble aims are *not* the stated intentions of CRT's founders. Harvard academic Derrick A. Bell, the recognized godfather of the CRT movement, does not mince words in one of the essays laying out the radical aims of the theory: “As I see it, critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it.”³ Critical Race Theory shares these goals with both Critical Theory and Critical Legal Theory (or Critical Legal Studies).

This report offers the following:

1. Gives a synopsis of these three related disciplines. This includes an explanation of how CRT specifically affects Americans today and a discussion of how CRT's ideas support the concept of identity politics and blend the ideas of victimization, group identity, and political action together, leading to a divisive civic and political culture.
2. Explains how the Black Lives Matter organizations built an aggressive political movement on CRT's racially focused ideas—ideas apologists can use to justify violent riots.
3. Discusses ways policymakers and educators are integrating CRT into K-12 instruction.
4. Traces the roots of the school shooting in Parkland, Florida, in 2018 to a school policy dealing with student discipline that is being used by CRT advocates and researchers.
5. Explains that the free speech crisis on college campuses today is the application of CRT's and CT's core tenets.
6. Discusses CRT's impact on the workplace and diversity trainings, some of which pressure employees to become activists or to discuss controversial topics in the workplace.
7. Offers examples of how entertainers—actors, critics, and others—are using CRT's ideas to influence decision-making in Hollywood.
8. Provides policy recommendations that are aimed at restoring the concepts of judging people not by the color of their skin but by their conduct and the need to protect liberty so that everyone, regardless of ethnicity or background, has the opportunity to pursue the American Dream.

Critical Theory

The origins of Critical Theory can be traced to the 1937 manifesto of the Institute for Social Research in Frankfurt, colloquially known as the Frankfurt School. One of the first examples of what has come to be called the Western Marxist schools of thought, the Institute modeled itself on the Moscow-based Marx-Engels Institute. Originally, the school's official name was going to be

the *Institut für Marxismus* (Institute for Marxism), but, ever desirous of downplaying their Marxist roots, its founders thought it prudent to adopt a less provocative title, according to one of the best histories of the school's work and of Critical Theory itself, *The Dialectical Imagination*, by Martin Jay.⁴

Critical Theory was, from the start, an unremitting attack on Western institutions and norms in order to tear them down. This attack was aimed only at the West. Even though the manifesto, titled Traditional and Critical Theory, was written at the height of Joseph Stalin's purges, show trials, and famines, the school "maintained an almost complete official silence about events in the USSR," according to Jay.⁵ The manifesto, written by the school's second director, Max Horkheimer, claimed that traditional theory fetishized knowledge, seeing truth as empirical and universal. Critical theory, on the other hand, "held that man could not be objective and that there are no universal truths."⁶

This relativism was inherited from Friedrich Nietzsche and filtered through the dialectics of Georg Friedrich Hegel and his best-known disciple, Karl Marx. The Frankfurt School philosophers believed that "a true epistemology must end the fetish of knowledge as such, which as Nietzsche demonstrated, leads to abstract systematizing," wrote Jay.⁷ As for their Marxism, three years earlier, Horkheimer had let his true feelings for the Soviet state be known in a collection of short essays known as *Dammerung* (in German, both "dawn" and "twilight"). "He who has eyes for the meaningless injustice of the imperialist world, which in no way is to be explained by technical impotence, will regard the events in Russia as the progressive, painful attempt to overcome this injustice," he wrote.⁸

Critical Theory, and the Frankfurt School in general, were thus a renaissance of Hegelian thought and of the revolutions that had taken place as a result in 1848—repackaged for a now-industrialized Germany. "To trace the origins of Critical Theory to their true source would require an extensive analysis of the intellectual ferment of the 1840s, perhaps the most extraordinary decade in 19th century German intellectual history," wrote Jay.⁹ He adds, "It can be argued that the Frankfurt School was returning to the concerns of the Left Hegelians of the 1840s. Like that first generation of critical theorists, its members were interested in the integration of philosophy and social analysis."¹⁰

Critical Theory and Its Early Applications

In the context of the era, Critical Theory's demolition of Western traditions and norms was nothing less than a tool to implement the counter-hegemony called for in the Theory of Cultural Hegemony enunciated

in the first decades of the 20th Century by Antonio Gramsci. Marx and Friedrich Engels had promised constant revolution by the workers of the world, but by the early 1930s, few had succeeded. The founder of the Italian Communist Party, Gramsci had come to believe that the workers were not revolting and overthrowing the bourgeoisie because they had bought into the belief system of the ruling class—family, nation-state, the capitalist system, and God. What was needed was struggle sessions in which the revolutionary vanguard would teach the workers how to think. But first the norms needed to be torn down. That is where Critical Theory—and, as we will see, all its offshoots—come in.

Horkheimer and the other Frankfurt scholars left Germany to escape the Third Reich, fleeing first to Geneva, then to New York, where Columbia University allowed them to set up camp in 1935 at Teachers' College. In the United States they developed the same disdain for the American worker that Gramsci had felt for his Italian counterpart. "They insist unwaveringly on the ideology by which they are enslaved," Horkheimer wrote with another Frankfurt School scholar, Theodor Adorno, about the American worker.¹¹ After the defeat of the Nazi regime, Horkheimer, Adorno, and the others were able to return to Germany. But they left behind Horkheimer's assistant, Herbert Marcuse, who became one of the leading spokesmen of the New Left.

A witness to the upheavals caused by the riots and violence associated with the Civil Rights era and the anti-Vietnam War Movement, Marcuse discovered in them a new agent of change: minorities, of which more categories would need to be created. "Underneath the conservative popular base is the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors," Marcuse wrote. They would still need to be led ideologically—"their opposition is revolutionary even if their consciousness is not"—but the potential to stoke grievances among them was there in a way that did not exist with workers as a category.¹²

Critical Legal Theory

It is at this point that Critical Legal Theory takes over. Its scholars self-consciously acknowledge their debt to Critical Theory and other Marxist movements that came before the Frankfurt School. "Although CLS has been largely contained within the United States, it was influenced to a great extent by European philosophers, such as Karl Marx, Max Weber, Max Horkheimer, Antonio Gramsci, and Michel Foucault," reads the entry for CLT in the Cornell Law School's Legal Information Institute.¹³

The Cornell entry for Critical Legal Studies explains:

Critical legal studies (CLS) is a theory which states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. Proponents of CLS believe that the law supports the interests of those who create the law. As such, CLS states that the law supports a power dynamic which favors the historically privileged and disadvantages the historically underprivileged. CLS finds that the wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.¹⁴

Then comes the kicker: “Many in the CLS movement want to overturn the hierarchical structures of modern society[,] and they focus on the law as a tool in achieving this goal.”

Just as with Critical Theory, Critical Legal Theory is, then, an instrument to overturn society for those who follow its tenets, this time from a legal perspective. The law, they argue, is simply the cultural hegemony codified in statutes and defended by a jurisprudence that aims to support the powerful against the claims of the marginalized. CLT proponents trace their founding to the first Conference on Critical Legal Studies, held at the University of Wisconsin at Madison in 1977. Among its main theorists figure Duncan Kennedy, Roberto Mangabeira Unger, and Robert W. Gordon.¹⁵

In a 2002 essay, Kennedy acknowledges the debt Critical Legal Theory owes to both Marxism and post-modernism (championed by a mostly Parisian set of intellectuals who preached that texts could be “deconstructed” by the reader, a complicated philosophical concept that involves reinterpreting words to replace ideas based on objective physical existence), two separate critiques of bourgeois reality that nevertheless can rub uneasily against each other. “Critical legal studies,” he writes, “operates [sic] at the uneasy juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/post-modernist projects.”¹⁶

“Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system,” writes Kennedy.¹⁷ Post-modernism is a much more complex phenomenon, but it aims at the same destruction of society as the Marxist project, starting with the use of reason itself. We can gain a sense of such complexity in Kennedy’s own abstruse writing on Modernism/Postmodernism (or MPM). He explains:

[MPM] is a critique of the characteristic forms of rightness of this same culture and aims at liberation from inner and outer experiences of constraint by reason, in the name, not of justice and a new system, but of the dialectic of system and anti-system, mediated by transgressive artifacts that paradoxically reaffirm the “higher” forms of the values they seem to traduce.¹⁸

Just as with Critical Theory, post-modernism borrows heavily from the Nietzschean attack on objectivity. Writes Kennedy:

For the [MPM] project, the demand for agreement and commitment on the basis of representation with the pretension to objectivity is an enemy. The specific enemies have been the central ethical/theoretical concepts of bourgeois culture, including God, the autonomous individual choosing self, conventional morality, the family, manhood and womanhood, the nation state, humanity.¹⁹

CLT scholars also display an awareness of the rising identity groups that Marcuse identified as the new revolutionary base. Kennedy quotes approvingly his fellow university professor Cornell West as asserting the existence of an

inchoate, scattered yet gathering progressive movement that is emerging across the American landscape. This gathering now lacks both the vital moral vocabulary and the focused leadership that can constitute and sustain it. Yet it will be rooted ultimately in current activities by people of color, by labor and ecological groups, by women, by homosexuals.²⁰

Kennedy adds that “in the United States, by the end of the 1970s, with the rise of identity politics, left discourse merged with liberal discourse, and the two ideas of the rights of the oppressed and the constitutional validity of their legal claims superseded all earlier versions of rightness.”²¹

Harvard’s Berkman Klein Center’s entry on Critical Legal Theory neatly teases out the link between the legal analysis of power relations with the emerging identity-based politics. It writes that CLT scholars:

focused from the start on the ways that law contributed to illegitimate social hierarchies, producing domination of women by men, nonwhites by whites, and the poor by the wealthy. They claim that apparently neutral language and institutions, operated through law, mask relationships of power and control. The emphasis on individualism within the law similarly hides patterns of power relationships while making it more difficult to summon up a sense of community and human interconnection.²²

Critical Race Theory

From there it is a short step to Critical Race Theory. Unsurprisingly, given its name, CRT makes everything about race the prism through which its proponents analyze all aspects of American life—and do so with a degree of persistence that has helped CRT impact all aspects of American life.

Derrick Bell, referenced above, the widely-acknowledged “godfather” of CRT, explains in the essay cited earlier that the work of CRT authors “is often disruptive because its commitment to anti-racism goes well beyond civil rights, integration, affirmative action, and other liberal measures.”²³ Bell quotes Angela P. Harris as explaining that CRT inherits from its Critical Legal Theory ancestor the commitment to dismantle all aspects of society through unremitting criticism—and at the same time eschews the woolly deconstructionist excesses of the postmodernists and adopts the practicality of the Civil Rights movement. Bell points to theorist and professor Charles Lawrence and says he “speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective.”²⁴ Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”²⁵

CRT’s Theoretical Applications. Because CRT is so intent on real-life transformation, some aspects of post-modernism and its deconstructionism had to be jettisoned, or at least sidelined. Kimberle Crenshaw, the CRT scholar who first came up with the CRT term “intersectionality,” put the need to abandon the Parisian post-modernism best when she wrote:

While the descriptive project of postmodernism of questioning the ways in which meaning is socially constructed is generally sound, this critique sometimes misreads the meaning of social construction and distorts its political relevance.... But to say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the contrary, a large and continuing project for subordinated people—and indeed, one of the projects for which postmodern theories have been very helpful in thinking about—is the way power has clustered around certain categories and is exercised against others.²⁶

In the end, the identity politics that CRT exists to implement was more important than salon revelries. Adherents can apply intersectionality, for example: Someone can claim to be oppressed in more than one way by citing association with more than one social group, or “axis.”²⁷ CRT writers Patricia Hill Collins and Sirma Bilge explain that with intersectionality, “people’s

lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other.”²⁸ In this way, write Helen Pluckrose and James Lindsay, CRT results in people looking for “power imbalances, bigotry, and biases that it assumes must be present,” which reduces everything to prejudice, “as understood under the power dynamics asserted by Theory.”²⁹

Of the three critical schools of thought analyzed here,³⁰ CRT is the least intellectually ethereal and the most explicitly political. Its use of story-telling—easy to understand fictional vignettes that seek to portray in every-day life terms the “systemic racism” that CRT scholars insist exists in America—is but one of the ways that CRT scholars seek to effect change.³¹ Abstraction is to be avoided because it “smuggles the privileged choice of the privileged to depersonify [sic] their claims and then pass them off as the universal authority and the universal good.”³²

It is perhaps for this reason that CRT hardly ever identifies the Frankfurt School or its Critical Theory predecessor as an influence, only acknowledging a debt to Critical Legal Theory.³³ CRT’s ceaseless assault on all American institutions and norms is pure Critical Theory, however. This assault includes the liberal order—in the classical sense, referring to Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests—something CRT scholars openly admit.

CRT and Classical Liberal Ideas

CRT’s proponents, writes Bell, “are highly suspicious of the liberal agenda, distrust its method, and want to retain what they see as a valuable strain of egalitarianism which may exist despite, and not because of, liberalism.”³⁴ This is an important departure from the original goals of the Civil Rights movement, which sought to redeem America’s promise by calling for color-blind equality. “Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law,” acknowledges Delgado.³⁵

The radical egalitarianism obviously clashes with strong protections of property rights and any notion of equal protection under the law. These are not the only liberal rights to be thrown overboard. Freedom of speech is also in CRT’s sights. “Being committed to ‘free speech’ may seem like a neutral principle, but it is not. Thus, proclaiming that ‘I am committed equally to allowing

free speech for the KKK and 2LiveCrew' is a non-neutral value judgment, one that asserts that the freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails."³⁶ Thus we arrive at today's cancel culture.³⁷

Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT. “Crits are suspicious of another liberal mainstay, namely, rights,” observes Delgado, using the informal abbreviation CRT writers sometimes employ to describe themselves. The “more radical CRT scholars with roots in racial realism and an economic view of history believe that moral and legal rights are apt to do the right holder much less good than we like to think.... Think how that system applauds affording everyone equality of opportunity but resists programs that assure equality of results.” Rights are “alienating. They separate people from each other—‘stay away, I’ve got my rights’—rather than encouraging to form close, respectful communities.”³⁸ The liberal principle that we universally derive these rights from a common humanity and human faculties we all share equally comes under the gun. Classical liberalism is “overly caught up in the search for universals,” writes Delgado. What CRT proponents want is “individualized treatment—‘context’—that pays attention to minorities’ lives.”³⁹ “The concepts of rights is indeterminate, vague and disutile,” in Bell’s words.⁴⁰

Legal and administrative neutrality, too, is an enemy because it gets in the way of uplifting such minority voices. Also—and this is a recurring theme with all critical schools, starting with Horkheimer, if not Nietzsche—neutrality is impossible to attain. On this point, Bell cites Lawrence again:

Charles Lawrence [a law professor] speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective. Lawrence asserts that such a neutral perspective does not, and cannot, exist—that we all speak from a particular point of view, from what he calls a ‘positioned perspective.’ The problem is that not all positioned perspectives are equally valued, equally heard, or equally included. From the perspective of critical race theory, some positions have historically been oppressed, distorted, ignored, silenced, destroyed, appropriated, commodified, and marginalized—and all of this, not accidentally.⁴¹

CRT is purposely political and dispenses with the idea of rights because it blames all inequalities of outcome on what its adherents say is pervasive racism in the United States. “White supremacy,” a term that comes up repeatedly in CRT discourse and continues to be heavily used today by leaders of the Black Lives Matter organizations, must be smashed. White

supremacy does not mean an actual belief in the superiority of white people, however. It can mean anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution.

One of the most famous practitioners of CRT today, Robin DiAngelo, writes in her book, *White Fragility*:

White supremacy is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination. Again, racism is a structure, not an event. While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.⁴²

“I hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in,” DiAngelo writes.⁴³ Its use is a very successful example of the Left’s use of *strategic ambiguity* in the pursuit of a rather large and ambitious goal. The target is a free-market system that rewards hard work, ability, and other virtuous traits. Other CRT terms that have specific and unique meanings when used by its practitioners are “equity,” “diversity,” “inclusion,” and “people of color.”⁴⁴ CRT speakers have also developed peculiar turns of phrase that are specific to the group; supporters are said to be “in allyship” or “in relationship.” The U.S. is said to be a “carceral state.”⁴⁵

How Does Critical Race Theory Affect You?

Because of their strong political commitment to transforming the United States, CRT writers make clear that they do not intend for what happens on college campuses to stay on campus. “It is our hope that scholarly resistance will lay the groundwork for wide-scale resistance. We believe that standards and institutions created by and fortifying white power ought to be resisted,” writes Bell.⁴⁶ On that score, we must pronounce CRT to have been a resounding success. CRT has broken out of the classroom and become the philosophy of wide-scale resistance. It is useful to identify a few of the ways with which it impacts the daily lives of Americans.

Identity Politics. CRT has become the academic body of work that underpins identity politics, an ongoing effort to reimagine the United States as a nation not of individuals and local communities united under common purposes, but as one riven by groups based on sex, race, national origin, or gender—each with specific claims on victimization. These identity categories correspond to Marcuse’s new revolutionary base (“the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors”).⁴⁷ The identities are often artificial ones manufactured by government itself, examples being the Hispanic and Asian-American pan-ethnicities contrived in 1977 by the Office of Management and Budget (OMB), or the 31 genders approved by the New York City Commission on Human Rights.⁴⁸ Under identity politics, America is no longer a country where the individual is the central agent in society, who, because of his very existence possesses *individual* rights. Instead, membership in the official categories becomes the identity that matters when it comes to rights (mostly positive rights, not natural ones), responsibilities, and everything else. Identity politics has become the new paradigm under which many Americans now operate. Victimhood is what commands attention, respect, and entitlements, seen as compensatory justice.

CRT emerged contemporaneously with the proliferation of these identity categories in America and became the philosophical tool to implement identity politics and the attempt to transform the United States. *Race, Racism and American Law* by Derrick Bell includes toward the end a chapter for “Racism and Other Nonwhites,” among whom he names for the United States the Chinese, the Japanese, and the Mexicans.⁴⁹ It was published in 1972, two years before the Census Bureau bureaucrats, under pressure from leftist activists, opened the first national racial and ethnic advisory committee.⁵⁰ Just three years later, these activists convinced the OMB to create the pan-ethnic categories.

The simultaneity was hardly coincidental: The activists who forced the bureaucracy to confect the identities also drank deeply from the well of European philosophies brought over after World War II. “The language of ‘dominant’ and ‘subservient,’ or ‘subordinate,’ groups, integral to Critical Theory and the Frankfurt School” pervaded the work of Julian Samora, the first founder of a Hispanic studies department at a major university, the first leader of La Raza [“The Race”] and a member of the Census Bureau’s first national advisory committee on race. Samora’s 1953 dissertation, titled “Minority Leadership in a Bi-Cultural Community,” quotes the German-born American social psychologist Kurt Lewin, who was associated with the Frankfurt School.⁵¹

CRT reshaped the identitarians' thinking in new ways still and gave them newer terms to express these thoughts. Soon CRT was spawning Critical Latin Theory and other spinoffs that were identical in their approach—save for the “marginalized” subjects to be emphasized. Identity politics is difficult to challenge because it presents itself as a just demand for formerly marginalized people to claim attention and reward, but it seeks to collectivize American society; it is divisive, flouts constitutional equal protection, and represents a direct threat to republican self-rule. In all this it has found a handmaiden in CRT.

The Black Lives Matter Insurgency. The year 2020, with its protests and riots—as well as the overwhelming acceptance by the media, professional sports, corporations, the academy, and virtually all power centers, that America is irredeemably racist and must overhaul its entire system—has demonstrated that CRT's teachings have moved beyond the ivory towers and ivy walls.

How much of CRT's success has contributed to America's current obsession with race is a question that can be answered through data analysis. A separate question is how much CRT scholars, trainers, and consultants have benefitted as a result of this year's violence. The answer to the latter is, conclusively, “a lot.”

Though some may think that the new scrutiny of racial explanations for all aspects of American life may have been sparked by the death under police custody of George Floyd on May 25, 2020, an analysis for the publication the *Tablet* by Zach Goldberg, a doctoral candidate at Georgia State University, in August 2020 discovered the inverse is true. He writes:

Countless articles have been published in recent weeks, often under the guise of straight news reporting, in which journalists take for granted the legitimacy of novel theories about race and identity. Such articles illustrate a prevailing new political morality on questions of race and justice that has taken power at the [New York] Times and [Washington] Post—a worldview sometimes abbreviated as ‘wokeness’ that combines the sensibilities of highly educated and hyperliberal white professionals with elements of Black nationalism and academic critical race theory. But the media's embrace of ‘wokeness’ did not begin in response to the death of George Floyd. This racial ideology first began to take hold at leading liberal media institutions years before the arrival of Donald Trump and, in fact, heavily influenced the journalistic response to the protest movements of recent years and their critique of American society.⁵²

What Goldberg discovered through regression analyses of articles is that a “rapid proliferation of articles employing the tropes of critical race theory to ascribe racial guilt in the American system represents a reckoning with white supremacy and inequality.”⁵³ The jargon of CRT had seeped into American media, and thus into Americans’ collective consciousness, years before the Trump presidency, long before Floyd’s death. Goldberg explains:

Starting well before Donald Trump’s rise to power, while President Obama was still in office, terms like ‘microaggression’ and ‘white privilege’ were picked up by liberal journalists. These terms went from being obscure fragments of academic jargon to commonplace journalistic language in only a few years.... During this same period, while exotic new phrases were entering the discourse, universally recognizable words like ‘racism’ were being radically redefined. Along with the new language came ideas and beliefs animating a new moral-political framework to apply to public life and American society.⁵⁴

All the beliefs that are espoused today by the three founders of the Black Lives Matter organizations (Alicia Garza, Patrisse Cullors, and Opal Tometi)—that America is institutionally/structurally/systemically racist, that its legal system protects the powerful and amounts to racism codified in statutes, that neutrality and objectivity are impossible to obtain, that “objectivity and individuality are privileges,”⁵⁵ that the gauge by which to judge America is equality of outcome, that speech and other rights must be suppressed in order to protect the marginalized—come straight from the CRT canon.

Writing about the impact that Michael Brown’s death in August 2014 had on the nation, the academic James A. Lindsay observed:

Brown’s death mainstreamed Black Lives Matter and, in many respects, many of the core claims and assumptions of critical race theory throughout 2015 and 2016.... Its fundamental claim was that America was systemically racist and that this could be seen most clearly in the American police, criminal justice, and penal systems.... That none of this was true was irrelevant as Black Lives Matter mainstreamed the idea that ‘lived experience’ and ‘lived realities’ are more important arbiters of ‘truth’ than truth itself. These beliefs are central to the core assumption of critical race theory that ‘counterstories’ and narratives are more important than facts and truth where systemic racism (and other systemic oppression) is concerned. (This—storytelling, counterstory, and narrative related in service to ‘politically Black’ identity political goals should be forwarded over truth—is usually listed in the top five cornerstone assumptions of critical race theory.)⁵⁶

A September 2020 report from the U.S. Crisis Monitor, which receives support from Princeton University, revealed that BLM activists were involved in 95 percent of the riots between June 2020 and September 2020 for which the identity of the perpetrator was known.⁵⁷ When the *Claremont Review's* Charles Kesler called the disturbances “the 1619 riots” (after the CRT-influenced *New York Times* project that places slavery at the center of everything in America), the architect of the project, Nikole Hannah-Jones tweeted, “It would be an honor. Thank You.”⁵⁸

Curriculum and Action Civics in K–12 Schools. The dissemination of curricular content and instruction based on CRT in K–12 schools is second only in scope to the presence of CRT in post-secondary instruction, where CRT originated. The spread within college- and university-level syllabi and journal articles took place over the course of many decades throughout the 20th century, while the effects on K–12 schools in such areas as social studies, history, and civics have, by comparison, become visible more recently.

The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America’s founding ideals and further embedding the concept of systemic racism in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention.

Academic literature produced in the past 20 years by educational theorists on K–12 curriculum argue that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.⁵⁹ In a widely cited 1998 article from *Qualitative Studies in Education*, Gloria Ladson-Billings writes, “The use of voice or ‘naming your reality’ is a way that CRT links form and substance in scholarship.” She further writes, “Much of reality is socially constructed.” Aligned with the foundational ideals of CRT, Ladson-Billings says, “Critical race theory sees the official school curriculum as a culturally specific artifact designed to maintain a White supremacist master script.”⁶⁰

Notably, she closes the piece by saying, “I doubt if it [CRT] will go very far into the mainstream. Rather, CRT in education is likely to become the ‘darling’ of the radical left, continue to generate scholarly papers and debate, and never penetrate the classrooms and daily experiences of students of color.”

She was wrong.

Districts around the country have integrated CRT into school curricula. Both of the nation's largest teacher unions support the Black Lives Matter organization, with the National Education Association specifically calling for the use of Black Lives Matter curricular materials in K-12 schools.⁶¹ This curriculum is "committed" to ideas such as a "queer-affirming network," which have nothing to do with rigorous instructional content, and promotes racially charged essays such as "Open Secrets in First-Grade Math: Teaching about White Supremacy on American Currency."⁶² As of 2018, officials in at least 20 large school districts, including Los Angeles and Washington, DC, were promoting Black Lives Matter curricular content and the organization's "Week of Action."⁶³ According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders "support the Black Lives Matter movement."⁶⁴ Surveys are not clear on whether the prevailing sentiment among educators is support of authentic equality among individuals or of the divisive ideas espoused within the curriculum.

State and school officials are integrating CRT material into instructional content. California Governor Gavin Newsom vetoed a bill this fall that would make an ethnic studies course a high school graduation requirement for students in the state, but work on the material saturated with CRT concepts continues. Newsom called on the state board of education to revise the curricular resources so that the materials are more "balanced,"⁶⁵ yet in his veto letter, Newsom said he was "pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources." He has already approved a proposal that makes an ethnic studies course a graduation requirement for the state university system.⁶⁶

As of August 2020, the draft curriculum acknowledged CRT priorities such as power and white privilege, including statements such as, "Ethnic studies courses address race within the context of how white dominated culture impacts racism" and educators can "create and utilize lessons rooted in the four foundational disciplines alongside the sample key themes of (1) Identity, (2) History and Movement, (3) Systems of Power, and (4) Social Movements and Equity."⁶⁷ The curriculum has an entire section devoted to intersectionality, the CRT concept explained earlier that allows someone to claim victimhood based on his or her identification with more than one group (such as being from a minority ethnicity, a lower economic class, and identifying with a specific gender), accelerating a search for "power imbalances" in society.⁶⁸

As of this writing, the California Department of Education and state board continue to revise the curriculum in anticipation of a March 2021 release, even if the material is not yet required for graduation.⁶⁹ In a review of the draft materials, Williamson Evers, former U.S. Education Department official and member of the California State Academic Standards Commission, wrote in the *Wall Street Journal*, “The revised model curriculum in California portrays capitalism as oppressive and gives considerable weight to America’s socialist critics.”⁷⁰ He further says, “The proponents of critical ethnic studies are so insulated by Marxism and identity politics that they miss insights from other fields.”

The Seattle Public School Board has also included critical ethnic studies in its activities. In 2017, the board adopted a resolution that led to the creation of an “Ethnic Studies Task Force” that called for a decolonizing of school curricula, saying,

[T]he School Board acknowledges the academic research that associates the overwhelming dominance of Euro-American perspectives in textbooks, curricula and instruction and marginalization of scholarship and accomplishments by people of color as contributors to disengagement from academic learning of many students of color.⁷¹

In the description of ethnic studies that the task force drafted, the documentation included CRT buzzwords and phrases, such as “[c]ritical analysis of the source and perspective of knowledge...analysis and critique of systems of oppression, historically and currently—to include colonialism, racism, patriarchy, and capitalism,” and the “[o]bjective of examining and dismantling White supremacy and institutional racism.”⁷² The task force’s notes emphasize that the course is not just “a graduation requirement of [a] ‘tacked on’ elective,” which appears to suggest that students should have regular interactions with the course and its ideas.

In Ohio, the state board of education adopted a resolution listing the different achievement gaps between students from different backgrounds and then stating that the board “shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias” and “require training for all state employees and contractors working with the Department of Education to identify their own implicit biases”—resolutions that have nothing to do with instruction or improving student achievement.⁷³ The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”⁷⁴

To their credit, the board has since invited Ian Rowe, charter school leader and co-founder of 1776 Unites, an organization dedicated to upward mobility, to offer a perspective that counters these ideas during one of their meetings.⁷⁵ The Ohio Department of Education removed an “Anti-Racist Allyship Starter Pack” that was posted on its website this year after complaints about racially charged material.⁷⁶

Still, this focus on narratives and social issues comes at a time when 82 percent of black fourth graders read at or below what is considered a “basic” level, below the goal for what students should know at this grade, on a national comparison.⁷⁷ This figure is 28 percentage points below the same measure for white students. In 2010, Pew Center research reported the staggering statistic that more black men ages 20–34 without a high school diploma are in prison than employed, which means educators are disadvantaging minority youth when they steer K–12 schools away from rigorous content and toward “naming your reality.”⁷⁸

CRT scholarship on teaching methods is also used to advocate activism, which is dangerous considering the movement’s preference for personal narratives over knowledge and historical facts. The Obama Administration supported such activism in its 2012 report “Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action.” In the report, then-Education Secretary Arne Duncan called for a focus on “action civics” instead of “just rote memorization of names, dates, and processes.”⁷⁹ Organizations such as the Sunrise Movement and Generation Citizen, along with the Mikva Challenge at Chicago Public Schools (CPS), to name a few, have promoted action civics in the years since the report’s release.⁸⁰

Curricular content for action civics range from encouraging students to volunteer in their community to suggesting that teachers assign students, even elementary-age students, material that advocates for unionizing workers and protesting against “gentrification,” complex subjects even for adults to consider.⁸¹ While the CPS efforts endorsed anti-bullying and “School Beautification” projects, the district also advocated for student projects protesting “Police Brutality” and “LGBTQ Awareness,” as well as several walk-outs and sessions to train students to speak to the media about guns and a “Keeping It Reel Film Project” that dealt with “transgender rights.”⁸²

Some school systems have applied action civics to teaching disruptive protests. Seattle Public Schools include recommended reading material on its district website that says responses to the tragic death of George Floyd are “violent and destructive” because “police officers and the National Guard themselves are initiating violence” and “White Americans have a long, storied history of violence and destruction in this country.”⁸³

The MacIver Institute in Wisconsin reports that in the 2019–2020 school year, at least five marches were endorsed by school districts across the state, taking students out of the classroom to protest climate change and immigration policies and advocate for Black Lives Matter activities and gun control, to name a few.⁸⁴ The action civics group Generation Citizen has sponsored student projects to advocate for “more stringent mental health and social tolerance tests for NYPD [New York Police Department] applicants”—and ban the use of plastic bags in Rhode Island retail stores, among others.⁸⁵

Again, if this civic instruction was a call for more volunteer work or was somehow aligned with core subjects in which minority students still lag behind their peers, such instruction would be admirable. Yet research on student achievement in civics finds that students are woefully underprepared to understand civic participation and the functions of our nation’s government. Seventy-six percent of 8th graders scored at or below a basic level in civics on the most recent national comparison.⁸⁶ According to iCivics, “[O]nly nine states require a full year of civic education in high school,” and 10 states have no such requirement. Thirty-one states only require civics to be taught for one semester.⁸⁷ Just under half of all Americans cannot name all three branches of government, according to the Annenberg Public Policy Center at the University of Pennsylvania.⁸⁸

Teacher training steeped in critical theory (called “critical pedagogy”) demands action, however, which, when paired with the denunciation of facts described above, begs the question of how students are supposed to know what kind of action is appropriate and what is not.

After the Trump Administration supported policies that drew attention to the problems with CRT in education and the so-called anti-racism training of the federal workforce, two associate professors wrote in *Education Week* that the U.S. Department of Education should not reject CRT but “should ensure principals and teachers learn how it can be applied to address long-standing educational inequities” and “encourage federal agencies and public schools to embrace critical race theory.”⁸⁹ Parents, teachers, and policymakers concerned about CRT in schools are faced with significant challenges because some educators are determined to keep CRT in classrooms.

School Discipline and Disparate Impact Theory. What do school safety and the devastating school shooting that took the lives of 17 students and staff at a high school in Parkland, Florida, have to do with CRT? Quite a bit, in fact. Marjory Stoneman Douglas High School in Broward County, near Parkland, was one of the first school districts in the nation to embrace a school discipline policy that aimed to reduce the suspension and expulsion

(“exclusionary discipline”) of minority students.⁹⁰ Like many of the other cursory explanations of public policies or social trends linked to CRT, Broward County school administrators’ stated intent to reduce minority student interactions with police sounds well-intentioned. No one wants a child to be mistreated, and we certainly do not want a student to be treated unfairly because of his or her race.

But as with the other examples offered in this *Backgrounder*, the foundational ideas behind Broward’s PROMISE student discipline plan and other student behavior interventions that are meant to reduce the so-called school-to-prison pipeline align with CRT—and lead to negative outcomes for students, including minority students. In school discipline, the roots trace to the concept of “disparate impact,” a legal theory that says any policy that is neutral on its face in regard to the treatment of individuals from different ethnicities is still discriminatory if that policy results in disproportionate outcomes for individuals of various ethnicities or attributes (such as minority students or individuals with special needs).⁹¹

A significant body of legal research and court opinions has been dedicated to advocating the dubious legal theory of disparate impact. Disparate impact seeks to make unlawful entirely neutral, color-blind policies that may have a disproportionate impact on members of different ethnicities. The theory originated in the Civil Rights movement and employment law, but today spans many policy areas, from housing to health care, with much in between.⁹² For the purposes of student discipline, though, so-called social justice advocates have claimed that uniform, color-blind school discipline policies that suspend or expel students based on specific misbehavior result in disparate impacts for minority students.⁹³ Some school district administrators’ solution, such as those in Broward County, Buffalo Public Schools, Baltimore schools, and other large districts across the country, is to limit the use of exclusionary discipline on minority students, regardless of the nature of a student’s actions that may have instigated an educator’s disciplinary response and considering *only* the child’s race.

This is the point at which school discipline meets CRT. School officials have adopted policies that treat students differently according to race, viewing policy through a racial lens. Here, it does not matter that white students are disciplined more than Asian students or that higher levels of classroom misbehavior can be found in urban areas where there are concentrations of minority students from disadvantaged backgrounds and single-parent homes. For the policy, all that matters is that black and Hispanic students are disciplined more than white students, which according to this theory, demonstrates that implicit bias causes disproportionate levels of discipline.⁹⁴

Academic research in CRT confirms this theorized connection. In a 2014 article for the *UCLA Law Review* entitled “Exclusion, Punishment, Racism and Our schools: A Critical Race Theory Perspective on School Discipline,” David Simson says, “[R]acial stigmatization, stereotyping, and implicit biases that are based on a long history of racial prejudice in the United States continue to infuse seemingly objective standards of what is considered appropriate behavior, as well as the practices—such as punitive school discipline—that are used to enforce such standards.”⁹⁵ Simson claims “advocates will have to rely on alternative strategies to soften and to reverse the negative impact that punitive school discipline imposes on students, especially minority students.” Laurence Parker and David O. Stovall also made the connection in “Actions Following Words: Critical Race Theory Connects to Critical Pedagogy” in a 2004 issue of *Educational Philosophy and Theory*. They write, “The connection between critical race theory and education would entail linking teaching and research to general practical knowledge about institutional forces that have a disparate impact on racial minority communities.”⁹⁶

Empirical researchers, those studying the data on student discipline according to race, also cite a link between CRT and their work. Russell Skiba, a noted researcher in this area of study, was a co-author of “You Can’t Fix What You Don’t Look at: Acknowledging Race in Addressing Racial Discipline Practices,” in which he and his co-authors wrote,

Schools will make the progress if data open a door to reflective and critical conversations about the ways in which school processes, adult actions, and adult interactions with students may contribute to disciplinary outcomes. Sustaining a critical conversation about race patterns means asking questions about the full set of interactions that produce disparate patterns; about how race factors in to [sic] how adults react to students, and how students react to adults; about which false or harmful notions about “races” we carry around with us as we interact; and even when and how thinking of other human beings in terms of race is helpful.⁹⁷

The authors here are not referring to critical thinking in the traditional academic sense of evaluating different possible answers to a question; instead they mean “critical” in the deconstructive sense from the field of CRT.

A federal appeals court ruling in 1997, however, said that school discipline policies based on disparate impact result in disciplinary quotas that “violate equity in its root sense. They entail either systematically over-punishing the innocent or systematically under-punishing the guilty. They place race at

war with justice.”⁹⁸ The highest court has not yet ruled specifically against disparate impact.⁹⁹

Nevertheless, the Obama Administration praised the Broward County program and based a federal directive on school safety and student discipline in 2014 on the idea of disparate impact, adopting many of the recommended student discipline policies from Broward’s program.¹⁰⁰ The Administration threatened to withhold federal education spending from schools that reported high rates of exclusionary discipline among minority students, resulting in school district officials around the country limiting educators’ ability to maintain order in the classroom.

While zero-tolerance policies that suspended or expelled students with little review of a particular incident can be too harsh, research finds that limiting exclusionary discipline keeps disruptive and even dangerous students in the classroom. Research finds this policy puts the peers of disruptive students at risk—and correlates with lower academic achievement outcomes for affected students. Educators also report more dangerous school environments in systems using such policies.¹⁰¹

Broward County’s PROMISE program and memorandum of understanding with local police were the central documents and policy ideas applying CRT and creating a district-wide culture of limiting student contact, especially minority student contact, with law enforcement—even when students committed actions that endangered others.¹⁰² In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and LGTBQ students are disproportionately impacted by school-based arrests for the same behavior as their peers,” demonstrating racial, as well as victimization, reasoning behind the program.¹⁰³

As a result, the school district’s PROMISE program was not designed to refer the troubled former student who committed the horrific acts at Marjory Stoneman Douglas High School in February 2018 to law enforcement in the *years* prior to the incident. The former student, who is white, had a long list of prior infractions and was sent to participate in the PROMISE program in middle school.¹⁰⁴ Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.¹⁰⁵

Whether the fault lies with the execution of the PROMISE program or bureaucratic failures by school district officials, the fact remains that Broward school administrators worked with law enforcement and intentionally created a culture that limited student interaction with police and exclusionary discipline. School districts around the country, such as Minneapolis and Milwaukee, are still using such policies, and officials directly state that the

plans are meant to limit the exclusionary discipline of minority students.¹⁰⁶ And while disparate impact predated the founding of CRT, CRT advocates in education are applying this legal theory today to limit teachers' ability to make decisions based on student behavior—policies that consider students in groups according to skin color, disregarding the importance of individual actions.¹⁰⁷

All of which led to a devastating, fatal result in Parkland.

Free Speech on College Campuses. Since CRT originated in post-secondary institutions, it comes as no surprise that some of the most intolerant manifestations of CRT are found on university campuses. College grounds have been the home to protests for decades, but many in the current generation of rioters are determined to have their ideas heard and not allow others to express themselves, even sometimes resorting to violence. Further, activist students and their allies issue demands to school administrators that attempt to exercise power over those in positions of authority.

A recent example comes from the State University of New York at Binghamton. In November 2019, disruptive students attacked a College Republicans' display, destroying the flyers and papers on the table, then overturning the tables, all while threatening the students who had set up the display.¹⁰⁸ Not only did the rioters want to oppose the ideas being displayed, they did not want those ideas to even be available for consideration by anyone else.

Rioters were determined to do this again just days later, when the College Republicans and Young America's Foundation (YAF) invited the noted economist Arthur Laffer to speak on campus. Campus officials offered students who disagreed with YAF and Laffer a lecture hall in which to hold their own event, but the rioters chose instead to block Laffer's lecture. Rioters used physical force to demonstrate their power and shouted down the speaker, standing on desks and screaming until police intervened and stopped the entire event.¹⁰⁹

While school administrators did not enforce consequences on the disruptive students, school officials did commit resources to an initiative that will scrutinize campus police activities in response to the death of Jacob Blake in Kenosha, Wisconsin.¹¹⁰ Notwithstanding that the Laffer shout-down happened on the Binghamton campus and involved enrolled students—while the Blake incident took place in an entirely different state—university leaders said they recognized “protestors” calling for “racial justice” as part of an incident that had nothing to do with what was happening on campus.

The common refrain from progressive observers is that conservative students are the only ones who complain about speech-related incidents.¹¹¹

This can be easily refuted, however, by citing statements from groups like the SUNY-Binghamton College Democrats who condemned this shout-down, even though they disagreed with College Republicans on policy issues.¹¹² Shout-downs such as this are not a partisan issue, but an indication of a specific worldview that aligns with CRT and its progenitor, Critical Theory, which rioters have adopted.

Other examples clearly illustrate the connection between shout-downs on campus and CRT. In April 2018, Columbia University students marched to the school library and made demands taken straight from the writings of CRT theorists. The students wanted to “decolonize Columbia” and “demanded the University replace or rename statues, make its curriculum more diverse, increase faculty diversity, recognize the debt owed to marginalized peoples, such as the Lenape people [Native American tribes that lived in the northeast], and recognize the decision by graduate students to unionize.”¹¹³ In a show of force and disregard for authority, students ignored Law School Dean Yadira Ramos-Herbert, who told students they were in violation of school rules and directed them to leave so that students could study.

Over the past decade, events such as these have occurred at colleges around the country, sometimes involving the shout-down of a university president (such as at Duke and the University of Oregon) or the occupation of or damage to large areas of a campus surrounding a professor or invited speaker’s remarks (such as at Evergreen State College and the University of California-Berkley in 2017).¹¹⁴ Observers must note the language and terms students used during these campus takeovers are pulled directly from CRT.

At Evergreen, a self-described progressive institution, rioting students intimidated Professor Bret Weinstein during the spring of 2017, gathering around Weinstein and chanting, “[W]e want to dismantle the anti-blackness campus-wide, [sic] we want to give some sense of solidarity and provide safety.”¹¹⁵ Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.¹¹⁶ The Evergreen saga is powerfully documented in a series of videos created by Mike Nayna that make for terrifying viewing. Rioting students occupied administrative buildings, at one point trapping the school president in his office and only allowing him to use the bathroom under escort.

Yale students and faculty made headlines in 2015 when students demanded the removal of two professors. One of these faculty, noted early childhood scholar Erika Christakis, wrote an e-mail to the school community suggesting the school administration’s guidelines regarding Halloween costumes deserved more consideration and might be “heavy-handed.”¹¹⁷

Angry students confronted Erika's husband, Nikolas, saying the school was "no longer a safe space," with another student saying the professor's words were an "act of violence," an idea drawn from Critical Theory that words and discourse create reality and therefore can cause physical harm.¹¹⁸ Offended students drew from CRT's language and ideas in a written response to Erika's e-mail, saying the school itself suffers from "intolerable racism that students of color experience everyday," then touched on intersectionality by saying Yale has a "long history of racism...which has disproportionately harmed women of color."¹¹⁹

Again, such demands from a college community are becoming more common. Hundreds of Princeton faculty sent a letter to the university president earlier this year laced with CRT language. "Anti-Blackness is foundational to America," the letter says and asks the administration to "support us in this effort to disrupt the institutional hierarchies perpetuating inequity and harm."¹²⁰ A group of students at Sarah Lawrence calling themselves the "Diaspora Coalition" occupied a building on campus in 2019 and issued a list of wide-ranging demands that included a "mandatory first-year orientation session about intellectual elitism and classism," along with more free laundry soap.¹²¹

While CRT literature does not demand laundry services, its denunciation of free speech and classical liberal values that allow anyone, regardless of the color of his or her skin or family background, to live in a civil society are serious. Helen Pluckrose and James Lindsay write in *Cynical Theories*, "Certain views—academic views—shared by professionals—are considered too dangerous or even 'violent' to be allowed a platform."¹²² Indeed, in 1968, Critical Theorist Herbert Marcuse wrote that society should only be tolerant of the ideas from oppressed groups, and that conservative ideas should be repressed. Marcuse wrote:

It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.... Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right—these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance.¹²³

CRT writers applied this idea to their area of study. Richard Delgado wrote in 1994, “We are raising the possibility that the correct argument may sometimes be: the First Amendment condemns [the suppression of speech, even hate speech], therefore the First Amendment (or the way we understand it) is wrong.”¹²⁴ Still more pointedly, Delgado and Jean Stefancic write in *Critical Race Theory: An Introduction*, “If one is an idealist, campus speech codes, tort remedies for racist speech, diversity seminars, and increasing the representation of black, brown, and Asian actors on television shows will be high on one’s list of priorities.”¹²⁵ Again, remember CRT founder Derrick Bell’s comment cited earlier in this *Backgrounder* that CRT scholarship should incite rebellion and “most critical race theorists are committed to a program of scholarly resistance, and most hope scholarly resistance will lay the groundwork for wide-scale resistance.”¹²⁶

In addition to CRT’s central tenets of disrupting systems of power and destabilizing classical liberal civil and political structures, CRT and Critical Theory object to free speech as a cornerstone of society. The themes and logical responses from CRT proponents are echoed by students who shout down professors, guest speakers, and even other students at colleges across the country.

The Workplace and CRT Trainings. The CRT-influenced trainings that are often seen in America’s workplaces and schools are little more than modern-day versions of the struggle sessions that Gramsci recommended for European workers in 1920s, in the sense that they seek to replace what its practitioners see as a “cultural hegemony” with a “counter-hegemony.” A well-known example of this indoctrination came in 2020 from the National Museum for African American History and Culture, a Smithsonian institution. Until President Trump and others criticized it, forcing administrators to take it down, the museum ran an “anti-racist” chart that disparaged “hard work” and “cause and effect relationships” and criticized ideas such as “hard work is the key to success,” “work before play,” and “objective, rational linear thinking,” saying these are attributes of “white dominant culture, or whiteness.”¹²⁷

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”¹²⁸ It says, among other things, that “[w]hiteness and the normalization of white racial identity throughout America’s history have created a culture where nonwhite persons are seen as inferior or abnormal.”

Other examples of CRT training in the federal workforce include the Treasury Department holding a session telling employees that “virtually all White people contribute to racism” and the Department of

Homeland Security hosting a training on “microaggressions, microinequities, and microassaults,” in which white employees were told that they had been “socialized into oppressor roles.”¹²⁹

Nor are the efforts to subvert society limited to the federal workforce. The Society for Human Resources Management (SHRM), the lobbying arm of human resource (HR) professionals, uses empathetic language in its descriptions of diversity training sessions, such as making work “a place where we, our members, and our business community can bring our unique professional talents to stand together against all forms of social injustice.”¹³⁰ No one wants injustice to exist in the workplace—or anywhere—but SHRM’s training materials follow the design of other modern-day applications of CRT. The SHRM is influential, noting in its promotional material that the organization has over 300,000 human resource and business executive members in 165 countries—and impacts some 115 million workers.¹³¹

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”¹³² Examples of this text include the organization’s survey finding that “52 [percent] of organizations have provided or plan to provide new training on implicit/unconscious bias, equity, inclusion, or other diversity-related topics,” followed by guided questions such as: What types of new training has your organization provided on implicit/unconscious bias, equity, inclusion, or other diversity-related topics? Have you sought out guidance or education on how to address your own implicit/unconscious bias?

The SHRM’s survey reports that “60 percent of HR professionals believe organizations have a responsibility to take a stance on important social/societal issues and to communicate that position,” which can put those who are not comfortable having such work conversations in compromising positions. While SHRM’s encouragement to “listen and ask thoughtful questions” and “invite a colleague to coffee” are reasonable, organizations should not pressure employees to become activists or look for examples of unconscious bias.

The SHRM reports that 68 percent of black HR professionals “would decrease or have decreased the amount of goods or services purchased from a company that remained silent on the topic of racial injustice,” again, pushing the singular view of systemic oppression from the perspective of CRT into the business sector.

As for the consultant class itself, the leading ones are all also cut from the CRT cloth. Robin DiAngelo, who charges up to \$75,000 for speaking fees, is described in the book cover for her best seller, *White Fragility*, as “an academic, educator, and author working in the fields of critical discourse analysis and whiteness studies.”¹³³ In her book, DiAngelo writes, “All

progress we have made in the realm of civil rights has been accomplished through identity politics.... This book is unapologetically rooted in identity politics."¹³⁴

School district officials are also paying for diversity trainings. In Virginia, Fairfax County Public Schools paid one of the leading voices in the social justice movement, Ibram X. Kendi, \$20,000 to speak before district employees.¹³⁵ Local news reported that the payment is equal to \$300 per minute "at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students." Nearby, in Montgomery County, Maryland, the school board has proposed paying the Mid-Atlantic Equality Consortium \$454,680 to conduct an "anti-racist audit" that will examine "Workforce Diversity," "Work Conditions," and a "K-12 Curriculum Review."¹³⁶ The Washington, DC, public school district says some 2,000 district employees have participated in diversity training programs hosted by the training group Courageous Conversations.¹³⁷

Despite these rich rewards, many of the main practitioners of these CRT trainings—certainly the most famous ones, including DiAngelo, Kendi, Darnisa Amante-Jackson, Glenn E. Singleton, and others—advocate abandoning capitalism, as all Critical Schools have for almost a century now.

CRT's writers insist that capitalism is a system that rewards only Western traits. In a long *New York Times Magazine* profile in July 2020, Amante-Jackson was described as "all but utopian as she envisioned a movement away 'from capitalist, Western' ideals and described a future education system that would be transformed: built around students' 'telling their stories and listening to the stories of others.'"¹³⁸ In the same article, DiAngelo is quoted as saying, "Capitalism is so bound up with racism...capitalism is dependent on inequality, on an underclass. If the model is profit over everything else, you're not going to look at your policies to see what is most racially equitable." In his book, *How to Be an Anti-Racist*, Kendi strongly condemns capitalism: "Capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes, and they shall one day die together from unnatural causes."¹³⁹ Despite their expressed desire to eradicate capitalism, DiAngelo addressed 184 Democratic members of the House of Representatives in June 2020, and Kendi's work is used by the National Museum of African American History and Culture, a Smithsonian Institution.¹⁴⁰

Media and Entertainment. More evidence that CRT's proponents are not satisfied to leave any part of mainstream life untouched by the dogmas of intolerance and identity politics can be found in Hollywood. Writing in the *Telegraph*, sociologist Emuna Dabiri said actress Zoe Saldana was not "black

enough” to play singer Nina Simone in a movie. (Simone’s surviving family members also said Saldana was not black enough.)¹⁴¹ Dabiri uses the parlance of CRT, saying “race has been constructed by our society,” and “I am always sensitive to the advantages I might have in comparison with darker[-] skinned black women, because the truth is there is a huge difference in how society treats us.” Dabiri misses the irony that her article criticizes Saldana for not being black enough, criticism that led Saldana to apologize in 2020 for taking the role, four years after the movie was released.¹⁴²

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.¹⁴³ Critics have lobbed race-based screeds at actors such as Armie Hammer for simply being white and an actor, Murray explains. Reviewers criticized actress Scarlett Johansson for playing “an Asian woman’s consciousness inside a white android” in the science fiction film *Ghost in the Shell* with the naysayers seemingly unwilling to suspend belief—even when watching a science fiction film.¹⁴⁴ At least these performers were able to ply their trade. In 2018, so-called social justice observers publicly shamed Sierra Boggess, a Caucasian actress, for accepting the role of Maria in a BBC production of *West Side Story*. Boggess turned down the role in the wake of the criticism.¹⁴⁵

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.¹⁴⁶ Slate voiced a character whose fictional mother is Jewish and white, as Slate is personally. But since the character is also black, Slate says, “Black characters on an animated show should be played by Black people.” The Bell-Slate announcement is another clear example of how intersectionality—not meritocracy, nor color-blindness—propels decision-making in entertainment, regardless of whether the actors and actresses are aware of the worldview underpinning their choices.

In entertainment, as well as the education and workforce sectors of society, CRT is well-established, driving decision-making according to skin color, and not because of individual value and talent. Furthermore, as CRT advocates express dogmas based in identity politics and other Critical Theory components in mainstream publications, the appearance of these concepts becomes more familiar to the viewing public, helping CRT proponents to “normalize” intolerance and the idea of systemic racism for the average viewer.

Policy Recommendations

- **Critical Race Theory and identity politics should not drive the government’s creation of categories through the Census and other surveys.** The government *at all levels* should get out of the

business of creating official identity categories, without which identity politics would wither away. It should go back to asking citizens for national origin, language spoken in the home, etc.—actual facts, not synthetic concoctions. It could also introduce questions on family structure (i.e., whether there is both a mother and a father in house, how many children were born in non-intact families, etc.).

- **The federal government should not support so-called diversity trainings that claim the presence of Critical ideas such as “unconscious bias.”** Federal officials should keep in place President Trump’s Executive Order eliminating CRT trainings in the federal workforce and among federal contractors and use its bully pulpit to encourage the private sector to similarly discontinue these counter-productive “trainings.”¹⁴⁷
- **Parents should know what is being taught in their children’s K–12 schools.** State policymakers should require that public schools make their curricular resources available to the public. Parents and taxpayers should have access to the material that teachers are using in the classroom. Some charter schools provide models to follow and already make these resources available.¹⁴⁸ Such transparency will help families as they make decisions about how and where their children learn by evaluating the offerings of different schools and education institutions.
- **Federal directives should not micromanage local schools’ student discipline policies.** Federal officials should not allow for the reinstatement of the Obama Administration’s 2014 “Dear Colleague” Letter on disparate impact, and policymakers should review other sections of federal law to remove the concept of disparate impact.¹⁴⁹ For example, disparate impact theory is included in the Individuals with Disabilities Education Act (IDEA), the federal law governing services and spending for children with special needs in public schools.¹⁵⁰ The Obama Administration further embedded this idea in IDEA’s regulations at the end of his Administration.

Federal, state, and local officials should allow educators and parents to work together to evaluate disciplinary incidents according to the circumstances and actions involved. School districts should not be required to maintain certain quotas of students who do or do not face exclusionary discipline.

- **State policymakers must protect free speech on public college campuses—especially when college administrators do not.** State lawmakers should consider proposals that require public university systems to provide student orientation sessions discussing free speech on campus. Policymakers in Alabama, Arizona, Georgia, North Carolina, and Wisconsin have models that other state officials should follow.¹⁵¹ State officials should also require public university governing boards to create policies that require university administrators to sanction *anyone* in a university community, including students, that violate someone else's expressive rights, up to and including suspension and expulsion. Administrators should refer violations of the law to law enforcement, but university officials should protect expressive rights through the enforcement of school codes of conduct.

Conclusion

Critical Race Theory began as an academic concept, but we can find the ideas all around us today, from schoolhouses to the corporate world to Hollywood. Racism and intolerance should have no place in America, but CRT is more than just a philosophical objection to discrimination. When followed to its logical conclusion, CRT is destructive and rejects the fundamental ideas on which our constitutional republic is based.

No nation, not even America, is perfect, but as Abraham Lincoln said in his address to the Young Men's Lyceum of Springfield in 1838, "There is no grievance that is a fit object of redress by mob law." We must restore the "temple of liberty...with other pillars, hewn from the solid quarry of sober reason."¹⁵² Our generation, and every generation, must "let the proud fabric of freedom rest" upon the ideas of liberty, "a reverence for the constitution and laws," and the pursuit of a civil society that offers freedom and opportunity to all Americans, regardless of the color of their skin.¹⁵³

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Appendix

Critical Race Theory: A movement that is “a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power.”¹⁵⁴

De-colonialism: An “applied postmodern mind-set” that believes “we must devalue white, Western ways of knowing for belonging to white Westerners and promote Eastern ones (in order to equalize the power imbalance.”¹⁵⁵

Disparate Impact: An approach to civil rights enforcement that claims that an entirely neutral policy that does not discriminate on its face, is not intended to discriminate, and does not actually treat individuals differently based on their race *still* constitutes illegal racial discrimination if it has a “disproportionate” statistical effect among different racial and ethnic groups.¹⁵⁶

Diversity: Diversity is desirable when it obtains organically as a result of meritocracy. Numerous reports show that companies with women and people from various demographic backgrounds in leadership out-earn companies without them. In one such report this year, McKinsey & Company found that “the relationship between diversity on executive teams and the likelihood of financial outperformance has strengthened over time.”¹⁵⁷

What CRT adherents always mean when they use the term, however, is *enforced* diversity through the use of mandated or recommended quotas. This cannot but lead to worse outcomes if it results in the hiring of less-competent workforce or management. It is also coercive. To pretend, as Ibram X. Kendi does, that “[a] racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups,” is to demand quotas in hiring, admissions, contracting, etc.¹⁵⁸

Equity: The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”¹⁵⁹

This meaning has been completely inverted in today’s usage. Today, equity has come to mean the opposite of equality. Again, we have Kendi to help us: “The defining question is whether the discrimination is creating equity or inequity. If discrimination is creating equity, then it is antiracist. If discrimination is creating inequity, then it is racist. Someone reproducing inequity through permanently assisting an overrepresented racial group into wealth and power is entirely different than someone challenging that inequity by temporarily assisting an underrepresented racial group into relative wealth and power until equity is reached. The only remedy to racist discrimination is antiracist discrimination.”¹⁶⁰

Equity, then, means inequality of treatment. Kris Putnam-Walkerly and Elizabeth Russell of the Putnam Consulting Group see equity as something even approaching the Marxian “to each according to his needs.” They write that equity is “different from ‘equality,’ in which everyone has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform.” Equity, to them, “is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go.”¹⁶¹

Intersectionality: A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”¹⁶²

Minorities: This term has evolved to include now the idea of “collective victimization” and is intricately tied to identity politics, which is a political project of the Left. This was not always the case, however. The modern-day usage of this word does not appear in a dictionary until 1961.¹⁶³ In the 18th century, James Madison and the other Founding Fathers used the term to mean those political factions who were numerically inferior to an ideological majority. In the 19th and early 20th centuries, the term was used to refer to ethnic minorities in Europe, especially those of the polyglot Ottoman, Russian, and Hapsburg empires.

The sociologist Philip Gleason says the media in 1929 mentioned “disgruntled minorities,” such as “growling Ruthenians” and “scowling Macedonians,” suggesting that “Americans found the spectacle of national minority bickering distasteful.”¹⁶⁴ In 1938, the U.S. Supreme Court used something close to the modern definition of the term when Justice Harlan Stone asked in footnote four of the *U.S. v. Carolene Products* decision (but leaving the question unanswered) whether “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”¹⁶⁵ This is known as the “most famous footnote in law” because it introduced the concept of strict scrutiny.

Louis Wirth, a German-born American sociologist and urbanist associated with the Frankfurt School is credited with defining the term in the modern American meaning for the first time in 1945, in a foundational essay in which he stated: “We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out by the others in the society in which they live for differential and unequal

treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges." He cited "the Negro, the Indian, and the Oriental," as well as "Catholics, Jews, and Mormons" as examples of minorities in the United States.¹⁶⁶

People of Color: This is one of the newest terms in the lexicon. In one of the most comprehensive accounts on the origin of such terms as minorities, Gleason speculates that it "owes part of its appeal to its implicit restriction of the special status accorded 'designated minorities' to those distinguished by a racially linked phenotypical feature."¹⁶⁷ In an eye-opening op-ed in *The New York Times* in 2020—eye-opening because of what it said and where it was published—Haney Lopez and Tory Gavito reported on a survey they had just concluded, writing that, "Progressives commonly categorize Latinos as people of color, no doubt partly because progressive Latinos see the group that way and encourage others to do so as well. Certainly, we both once took that perspective for granted. Yet in our survey, only one in four Hispanics saw the group as people of color. In contrast, the majority rejected this designation. They preferred to see Hispanics as a group integrating into the American mainstream, one not overly bound by racial constraints but instead able to get ahead through hard work."¹⁶⁸

White Supremacy: The term "white supremacy" can be confusing because it can mean an actual belief in the superiority of white people, in which case it is despicable. However, it is nearly *always* employed to mean something much larger—anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution. It is constantly used in CRT discourses, yet hardly ever defined. Robin DiAngelo does helpfully supply something close to a definition, one in which she tells us that employing the term to define, say, the KKK, is "reductive" and obscures the entirety of the system.

"White supremacy," she writes, "is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination." She further states, "While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.... I

hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in.”

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Reviewed As To Form By
Legislative Service Commission

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134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3313.6027 and 4113.35 of the Revised Code to prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3313.6027 and 4113.35 of the Revised Code be enacted to read as follows:

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Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is inherently superior to another nationality, color, ethnicity, race, or sex.

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(b) The United States is fundamentally racist or sexist.

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(c) An individual, by virtue of the individual's

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nationality, color, ethnicity, race, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously. 17
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(d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, color, ethnicity, race, or sex. 20
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(e) Members of one nationality, color, ethnicity, race, or sex cannot and should not attempt to treat others without respect to nationality, color, ethnicity, race, or sex. 23
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(f) An individual's moral character is necessarily determined by the individual's nationality, color, ethnicity, race, or sex. 26
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(g) An individual, by virtue of the individual's nationality, color, ethnicity, race, or sex, bears responsibility for actions committed in the past by other members of the same nationality, color, ethnicity, race, or sex. 29
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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, color, ethnicity, race, or sex to oppress another nationality, color, ethnicity, race, or sex. 33
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(i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. 37
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(2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a nationality, color, ethnicity, race, or sex or to an individual because of the individual's nationality, color, ethnicity, race, or sex. 39
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(3) "Race or sex scapegoating" means assigning fault, 44

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blame, or bias to a nationality, color, ethnicity, race, or sex
or to members of a nationality, color, ethnicity, race, or sex
because of their nationality, color, ethnicity, race, or sex. It
also includes any claim that consciously or unconsciously, and
by virtue of their nationality, color, ethnicity, race, or sex,
members of any nationality, color, ethnicity, or race are
inherently racist or are inherently inclined to oppress others
or members of a sex are inherently sexist or are inherently
inclined to oppress others.

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(B) (1) No school district shall teach, instruct, or train
any divisive concepts, nor shall any school district require a
student to advocate for or against a specific topic or point of
view to receive credit for any coursework.

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(2) No school district shall accept private funding for
the purpose of developing a curriculum, purchasing or selecting
course materials, or providing teacher training or professional
development for a course promoting divisive concepts.

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(C) If the superintendent of public instruction determines
that any school district knowingly violates the prohibitions
prescribed in division (B) of this section, the department of
education shall withhold state funding from the district in the
amount determined by the department until such time as the
department determines the district no longer is in violation of
that division.

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

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(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with the Revised Code concerning textbooks and instructional materials; 74
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(2) The impartial discussion of controversial aspects of history; 78
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(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; 80
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(4) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions. 83
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(E) The state board of education may adopt rules regarding the implementation of and monitoring compliance with the provisions of this section. 87
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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. 90
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 95
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(1) That the school shall be established as either of the following: 98
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 100
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2003;	103
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105
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(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109
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(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113
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(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117
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(6) (a) Dismissal procedures;	120
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(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	122
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(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127
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(8) Requirements for financial audits by the auditor of	129

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state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

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insurance, or otherwise provide for the potential liability of the school. 158
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(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. 160
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(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, 3313.6027, 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 Revised Code. 164
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 183
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(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for 185
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the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

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status to the sponsor and the parents of all students enrolled in the school. 219
220

(h) The school, unless it is an internet- or computer-based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 221
222
223

(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district. 224
225
226
227
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230

(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code. 231
232
233
234
235
236

(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 237
238
239

(i) An internet- or computer-based community school; 240
241

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code. 242
243

(l) 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. 244
245
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247

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(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

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(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

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department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H)(2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A)(2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

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policies will be available for public inspection; 334
335

(28) That the school's attendance and participation 336
records shall be made available to the department of education, 337
auditor of state, and school's sponsor to the extent permitted 338
under and in accordance with the "Family Educational Rights and 339
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 340
and any regulations promulgated under that act, and section 341
3319.321 of the Revised Code; 342

(29) If a school operates using the blended learning 343
model, as defined in section 3301.079 of the Revised Code, all 344
of the following information: 345

(a) An indication of what blended learning model or models 346
will be used; 347

(b) A description of how student instructional needs will 348
be determined and documented; 349

(c) The method to be used for determining competency, 350
granting credit, and promoting students to a higher grade level; 351

(d) The school's attendance requirements, including how 352
the school will document participation in learning 353
opportunities; 354

(e) A statement describing how student progress will be 355
monitored; 356

(f) A statement describing how private student data will 357
be protected; 358

(g) A description of the professional development 359
activities that will be offered to teachers. 360

(30) A provision requiring that all moneys the school's 361

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

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	389
of the school;	390
(5) Internal financial controls.	391
When submitting the plan under this division, the school	392
shall also submit copies of all policies and procedures	393
regarding internal financial controls adopted by the governing	394
authority of the school.	395
(C) A contract entered into under section 3314.02 of the	396
Revised Code between a sponsor and the governing authority of a	397
community school may provide for the community school governing	398
authority to make payments to the sponsor, which is hereby	399
authorized to receive such payments as set forth in the contract	400
between the governing authority and the sponsor. The total	401
amount of such payments for monitoring, oversight, and technical	402
assistance of the school shall not exceed three per cent of the	403
total amount of payments for operating expenses that the school	404
receives from the state.	405
(D) The contract shall specify the duties of the sponsor	406
which shall be in accordance with the written agreement entered	407
into with the department of education under division (B) of	408
section 3314.015 of the Revised Code and shall include the	409
following:	410
(1) Monitor the community school's compliance with all	411
laws applicable to the school and with the terms of the	412
contract;	413
(2) Monitor and evaluate the academic and fiscal	414
performance and the organization and operation of the community	415
school on at least an annual basis;	416
(3) Report on an annual basis the results of the	417
evaluation conducted under division (D) (2) of this section to	

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the department of education and to the parents of students	418
enrolled in the community school;	419
(4) Provide technical assistance to the community school	420
in complying with laws applicable to the school and terms of the	421
contract;	422
(5) Take steps to intervene in the school's operation to	423
correct problems in the school's overall performance, declare	424
the school to be on probationary status pursuant to section	425
3314.073 of the Revised Code, suspend the operation of the	426
school pursuant to section 3314.072 of the Revised Code, or	427
terminate the contract of the school pursuant to section 3314.07	428
of the Revised Code as determined necessary by the sponsor;	429
(6) Have in place a plan of action to be undertaken in the	430
event the community school experiences financial difficulties or	431
closes prior to the end of a school year.	432
(E) Upon the expiration of a contract entered into under	433
this section, the sponsor of a community school may, with the	434
approval of the governing authority of the school, renew that	435
contract for a period of time determined by the sponsor, but not	436
ending earlier than the end of any school year, if the sponsor	437
finds that the school's compliance with applicable laws and	438
terms of the contract and the school's progress in meeting the	439
academic goals prescribed in the contract have been	440
satisfactory. Any contract that is renewed under this division	441
remains subject to the provisions of sections 3314.07, 3314.072,	442
and 3314.073 of the Revised Code.	443
(F) If a community school fails to open for operation	444
within one year after the contract entered into under this	445
section is adopted pursuant to division (D) of section 3314.02	446

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of the Revised Code or permanently closes prior to the 447
 expiration of the contract, the contract shall be void and the 448
 school shall not enter into a contract with any other sponsor. A 449
 school shall not be considered permanently closed because the 450
 operations of the school have been suspended pursuant to section 451
 3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
 mathematics school established under this chapter and its 454
 governing body shall comply with sections 9.90, 9.91, 109.65, 455
 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
 3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
 4123., 4141., and 4167. of the Revised Code as if it were a 474
 school district. 475

Sec. 4113.35. (A) As used in this section: 476

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(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
478

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
480
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485

(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
487

(B)(1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
489
490
491

(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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497

(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
499
500
501

(C) The administrative head of each state agency shall do the following: 502
503

(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
505

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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

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inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
 the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
 stated in division (B) of section 1.52 of the Revised Code that 561
 amendments are to be harmonized if reasonably capable of 562
 simultaneous operation, finds that the following sections, 563

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presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: makemetelya@gmail.com
Sent: Saturday, May 22, 2021 7:38 AM
To: Rep99
Subject: Education

Follow Up Flag: Follow up
Flag Status: Flagged

First Name: Paul
Last Name: Anderson
Email: makemetelya@gmail.com
Phone: (440) 964-9144
Address:
2920 Russell Rd
Ashtabula, OH 44004

Subject: Education

Message: I'm concerned about CRT(Critical Race Theory) infiltrating our public schools.
Are there any plans in the legislature to defeat the in process plans of the Feds to keep this out of our schools?

From: jstover1@aol.com

Sent: Tuesday, May 25, 2021 9:29 AM

To: Rep01; Rep02; Rep03; Rep04; Rep05; Rep07; Rep23; Rep27; Rep29; Rep30; Rep36; Rep38; Rep40; Rep41; Rep42; Rep43; Rep47; Rep48; Rep50; Rep51; Rep52; Rep53; Rep54; Rep55; Rep57; Rep59; Rep61; Rep62; Rep63; Rep65; Rep66; Rep67; Rep68; Rep69; Rep70; Rep71; Rep72; Rep73; Rep74; Rep75; Rep76; Rep77; Rep78; Rep79; Rep80; Rep81; Rep82; Rep83; Rep84; Rep85; Rep86; Rep87; Rep88; Rep89; Rep90; Rep91; Rep92; Rep93; Rep94; Rep95; Rep96; Rep97; Rep98; Rep99; Rob McColley(DST); Randy Gardner (DST); Sen. Lang; Steve Huffman (DST); Sen. Antani; Steve Wilson (DST); Lou Terhar (DST); Bob Hackett (DST); Matt Huffman (DST); Nathan Manning (DST); Joseph Uecker (DST); Stephanie Kunze (DST); Bob Peterson (DST); Sen. Cirino; Andy Brenner (DST); Brian Hill (DST); Sen. Romanchuk; Matt Dolan (DST); Sen. Reineke; Kristina Roegner (DST); Kirk Schuring (DST); Frank Hoagland (DST); Jay Hottinger; Sen. O'Brien; Michael Rulli (DST)

Subject: Fwd: 300 Attend Forest Hills School Board Meeting - CRT Discussion

Republican House and Senate Members:

Ohio Value Voters and Protect Ohio Children are continuously notified by Ohio parents concern with Critical Race Theory and the indoctrination of their children.

John Stover

Ohio Value Voters

Since 2007: Protecting Faith, Family, Freedom,
and the Sanctity of Life

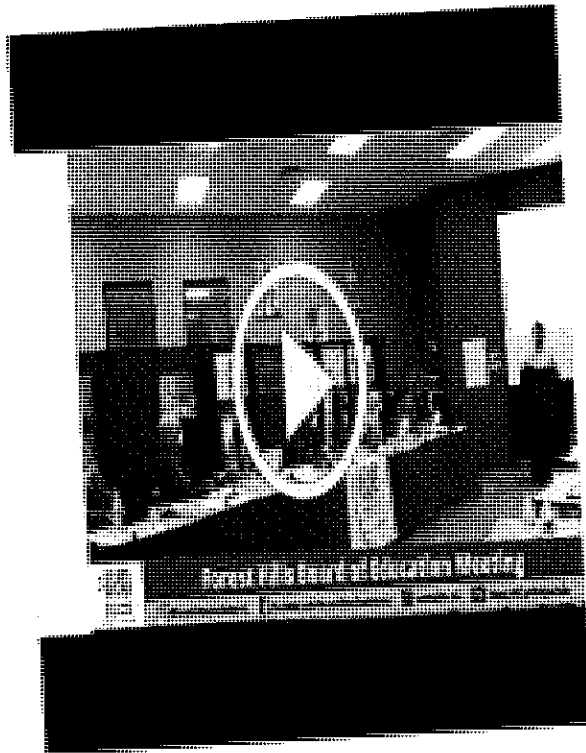
Forest Hills School Board Meeting & CRT

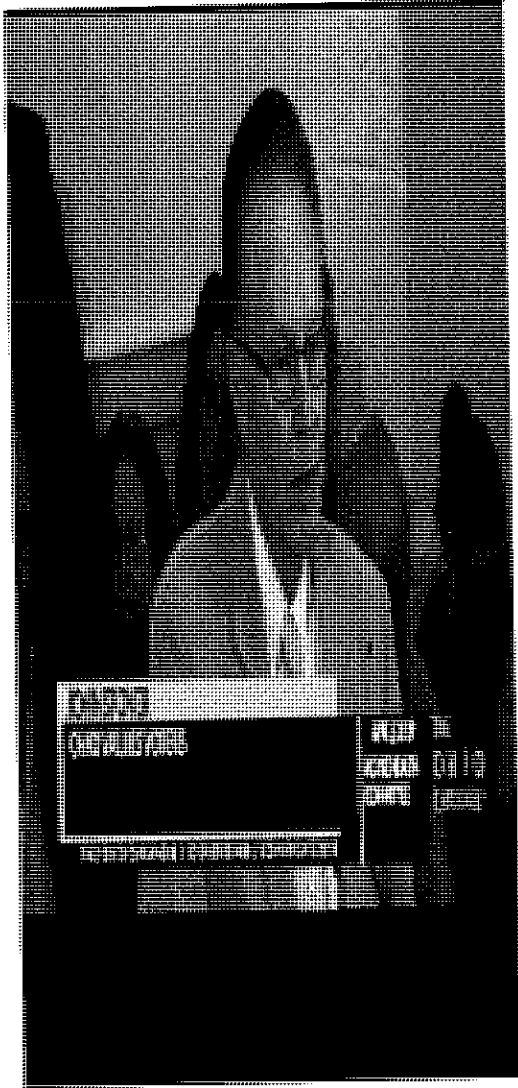
[REDACTED]

Three hundred people attended the Forest Hills School Board Meeting last night with both sides voicing their opinions and concerns about Critical Race Theory. It seems there are some good pieces to the "C.A.R.E. team" but a top-to-bottom review is needed to make sure there is no Critical Race Theory in the program.

Watch Protect Ohio Children Coalition member Dan Salcido stress the need for that review.

WATCH





Thank you for your prayers and support.

Sincerely,
John Stover, President

Share our emails and follow us on Facebook



Visit Our Website

Ohio Value Voters, Inc. | P.O. Box 29502, Cleveland, OH 44129

[Unsubscribe jstover1@aol.com](mailto:jstover1@aol.com)

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Sent by diane@ohiovaluevoters.org powered by

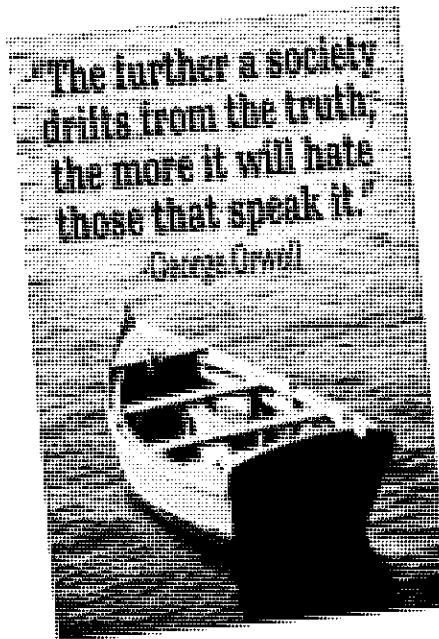


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11/11/2011 10:11:11 AM

From: Auburntownship.org
Sent: Wednesday, May 26, 2021 3:37 PM
To: Rep99
Subject: COVID LIKELY A LAB ACCIDENT --- BIDEN

[View this email in your browser](#)



COVID LIKELY A LAB ACCIDENT --- BIDEN

'DANGEROUS' NEW WAVE OF CENSORSHIP CULMINATING IN THE US:

DERSHOWITZ

Wednesday, May 26, 2021

BIDEN: SOME US INTEL MEMBERS BELIEVE COVID-19 CAME FROM CHINESE 'LABORATORY ACCIDENT'

Wednesday, May 26, 2021

OHIO PART OF 20-STATE GROUP OPPOSING TAXPAYER FUNDING FOR CRITICAL RACE THEORY IN SCHOOLS

Published Wednesday, May 26, 2021

SECOND 'CRITICAL RACE THEORY' BAN ENTERS OHIO HOUSE

Published Wednesday, May 26, 2021

I FILED A LAWSUIT AGAINST THE BOR TO ENFORCE THE OPEN MEETINGS ACT

Published Tuesday, May 25, 2021



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From: Benny Peiser

Sent: Thursday, May 27, 2021 11:02 AM

To: Rep99

Subject: EU chaos: Deep divisions erupt as EU leaders fail to agree on climate change plans



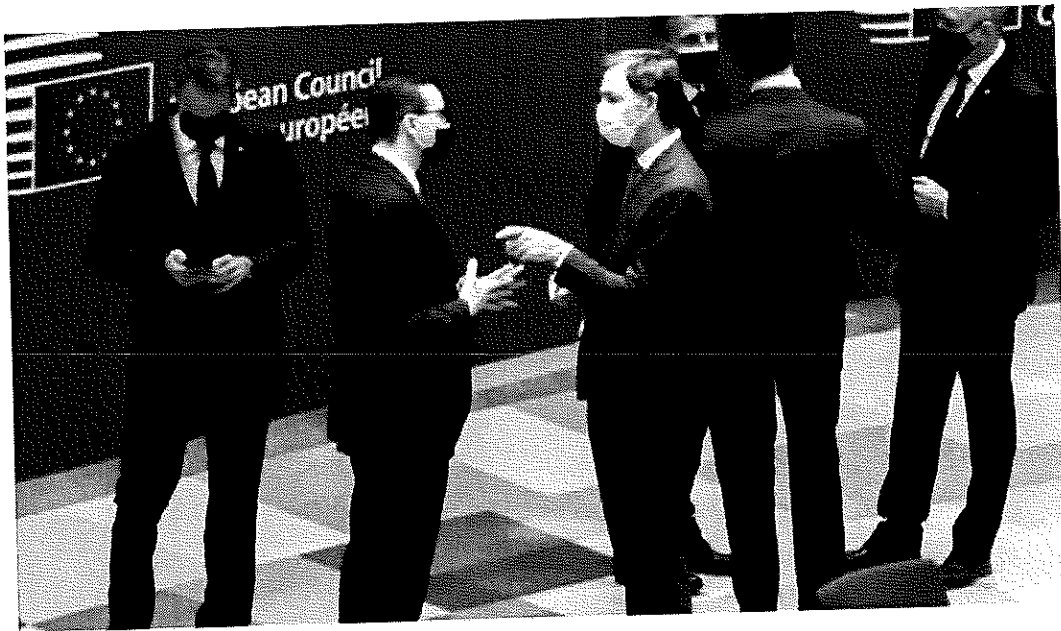
The screenshot shows the header of the Global Warming Policy Forum website. On the left, there is a line graph titled "21st century global mean temperature" showing a fluctuating upward trend from 2001 to 2020, with a y-axis ranging from 14°C to 15°C. To the right of the graph, the text reads "The Global Warming Policy Forum" and "Director: Dr Benny Peiser". Further right is the GWPF logo, which consists of two overlapping circles with the letters "GWPF" in the center, and the tagline "Common sense on climate change" below it. At the bottom of the header, there is a navigation menu with links for "Home", "Who We Are", "Latest Postings", "Press Releases", and "Contact".

Net Zero Samizdat

27 May 2021

EU chaos: Deep divisions erupt as EU leaders fail to agree on climate change plans

UK Government snubs IEA roadmap to Net Zero



1) EU chaos: Deep divisions erupt as Brussels leaders fail to agree on climate change plans
Daily Express, 25 May 2021

2) Poland tells EU leaders that meeting climate rules makes the 'poor, poorer'
Politico, 25 May 2021

3) UK Government snubs IEA roadmap to Net Zero
OilPrice.com, 26 May 2021

4) Biden Administration snubs IEA Net Zero roadmap
The New York Times, 26 May 2021

5) Germany threatens G7 deal on climate risk disclosure
The Daily Telegraph, 27 May 2021

6) Soaring solar energy costs could slow the renewable boom
OilPrice. 26 May 2021

7) Robert Taylor: The green home agenda is Government virtue-

signalling, creating victims out of those who live in old houses
The Daily Telegraph, 26 May 2021

8) David Whitehouse: The WMO's statistical temperature gamble
GWPF Observatory, 27 May 2021

9) And finally: Another nail in the coffin for the West's oil industry as
Russia, China, Iran and green activists celebrate
The Wall Street Journal, 27 May 2021

1) EU chaos: Deep divisions erupt as Brussels leaders fail to agree on
climate change plans
Daily Express, 25 May 2021

FRESH divisions have emerged between European leaders over climate
change goals after another fractious summit discussion.

EU chaos: Deep divisions erupt as Brussels leaders fail to agree on climate change plans

FRESH divisions have emerged between European leaders over climate change goals
after another fractious summit discussion.

Poland was singled out by EU colleagues as one country attempting to
sink the bloc's hopes to significantly reduce its carbon emissions in the
coming years.

Warsaw is concerned that it will be left worse-off under plans for a new
burden-sharing mechanism for climate targets that is due to be proposed
by the European Commission.

As a result, the measure was dropped from conclusions on climate discussions held by EU leaders at a special summit in Brussels.

The EU's so-called Emissions Trading System is meant to divide up emissions cuts between countries based on a formula.

The mechanism relies mostly of Gross Domestic Product, meaning poorer countries will have to slash their greenhouse gas outputs less.

However, the finer details of the system detailing emission rules were dropped from a planned statement by EU leaders.

Poland was said to have rejected endorsing the conclusions and instead, a placeholder was inserted.

It said: "The European Council will revert to the matter at an appropriate time after the Commission's proposals have been submitted."

Polish PM Mateusz Morawiecki argued the system would hit countries like his that aren't at an advanced stage in their transition away from high-polluting energy sources.

Warsaw wants compensation for plans to expand the ETS, which Commission boss Ursula von der Leyen suggested could also include cars and buildings in the future.

Mr Morawiecki told the European Council summit that the measure would cost an additional €4 billion for his country.

Romania, Hungary and Latvia also issued similar warnings, while richer countries, including Germany, urged Eastern states to stomach the new rules.

EU leaders were discussing the Commission's "Fit-for-55" policy package, which aims to detail how the bloc can cut emissions 55 percent by 2030.

In a post-summit news conference, Mrs von der Leyen admitted the new plans “may have a social impact”.

There is an expectation that consumers may have to pay higher fuel and heating bills unless a compensation system is introduced.

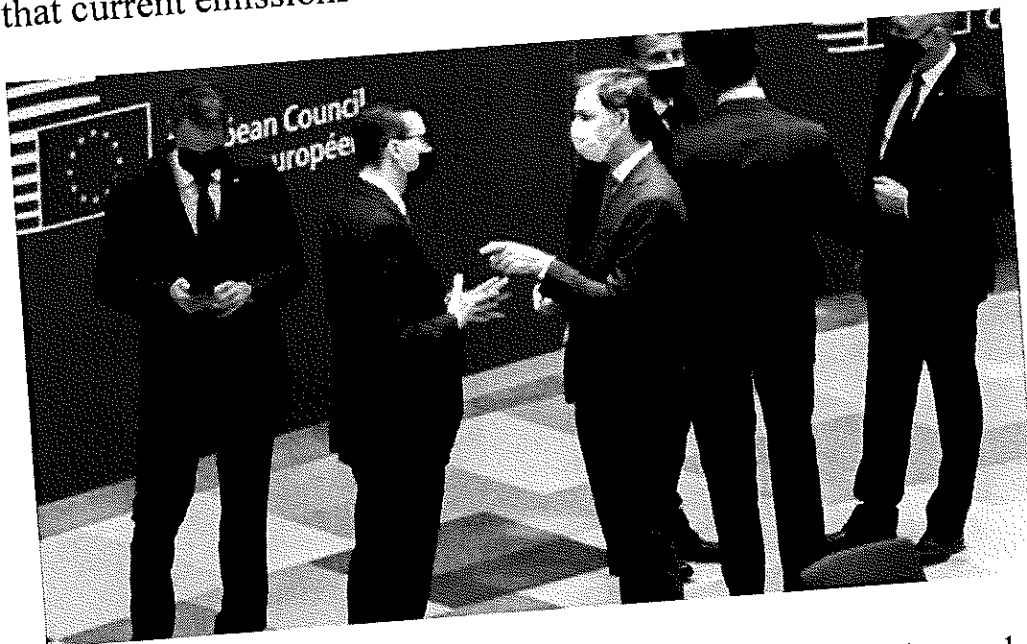
Belgian PM Alexander De Croo told reporters there was no point holding climate talks in the current vacuum.

Full story

2) Poland tells EU leaders that meeting climate rules makes the ‘poor, poorer’

Politico, 25 May 2021

The new era of EU climate politics looks a lot like the old one, with Poland standing almost alone at Tuesday’s European Council, insisting that current emissions rules are geared toward the rich.



Other EU leaders were reluctant to tangle with the Poles and their allies, agreeing on a bland policy-free final statement rather than engaging with Warsaw’s demands for a greater flow of money and for rich countries to be responsible for a bigger share of the bloc’s 2030 emissions cuts.

The EU has agreed to cut emissions by 55 percent by 2030 and to become climate neutral by mid-century, and now there's a fierce scrap over how those often painful reductions should be apportioned.

"You cannot make the rich richer, and the poor poorer. It is a question of fairness," Poland's Prime Minister Mateusz Morawiecki told fellow leaders, according to an official briefed on the conversation, while brandishing a chart he said showed that the bloc's carbon pricing system unfairly disadvantages Eastern and Southern Europe.

The European Commission is currently drafting a major policy package, called Fit for 55, that's due for release in mid-July. It will redraft a dozen major legislative areas that govern European pollution.

The leaders' statement provided little guidance for the Commission, but Council President Charles Michel interpreted that as a vote of confidence and a sign there was a "widely shared commitment to move towards solutions" for lowering emissions.

"We have affirmed our common goals, which are ambitious," he said.

But behind closed doors, the divisions over specific policies were stark.

Full story

3) UK Government snubs IEA roadmap to Net Zero OilPrice.com, 26 May 2021

The UK has no plans to stop new oil exploration, Reuters has reported, citing the Department for Business, Energy and Industrial Strategy. That's despite the recent IEA roadmap to net zero, in which the authority said all new oil exploration must cease now if the world is to become net zero by 2050.

A section of the BP Eastern Trough Area Project (ETAP) oil platform is seen in the North Sea, about 100 miles east of Aberdeen in Scotland,,

Reuters

“We are working hard to drive down demand for fossil fuels, however there will continue to be ongoing demand for oil and gas,” the Department for Business, Energy and Industrial Strategy told Reuters.

“We will not be cancelling licences that were recently awarded. Any future licences are only awarded on the basis that they are aligned with the government’s broad climate change ambitions, including the UK’s target of reaching net zero by 2050.”

The IEA shocked the energy world last week with its Net Zero by 2050 report that suggested the world won’t need any additional oil and gas projects beyond what is already approved as of this year. The report caused quite a stir, not the least of which came from several Asian countries that have high energy usage.

Australia and Japan, as well as Norway, were among the first to voice opposition to the suggestions made in the report, among which the IEA included driving less than 62 mph and setting air conditioning at more moderate temperatures.

African nations dependent on oil revenues will also likely disagree that there is one single path to net zero, and that is the IEA path of no new oil exploration.

[](<https://oilprice.com/Energy/Energy-General/UK-Snubs-IEA-Suggestion-To-Stop-Oil-Exploration.html>)

Full story

4) Biden Administration snubs IEA Net Zero roadmap
The New York Times, 26 May 2021

WASHINGTON — The Biden administration is defending a huge Trump-era oil and gas project in the North Slope of Alaska designed to produce more than 100,000 barrels of oil a day for the next 30 years, despite President Biden’s pledge to pivot the country away from fossil

fuels.

The multibillion-dollar plan from ConocoPhillips to drill in part of the National Petroleum Reserve was approved by the Trump administration late last year. Environmental groups sued, arguing that the federal government failed to take into account the impact that drilling would have on fragile wildlife and that burning the oil would have on global warming.

The project, known as Willow, set up a choice for the Biden administration: decline to defend oil drilling and hinder a lucrative project that conflicts with its climate policy or support a federal decision backed by the state of Alaska, some tribal nations, unions and key officials, including Lisa Murkowski, a moderate Republican senator seen as a potential ally of the administration in an evenly split Senate.

On Wednesday, the administration filed a brief in U.S. District Court for Alaska, defending the Trump administration decision to greenlight the Willow project.

In a statement, the Interior Department said that the Trump administration decision complied with the environmental rules in place at the time and that the plaintiffs did not challenge the approval "within the time limitations associated with environmental review projects" for the National Petroleum Reserve.

The administration declined to explain how its position on the Willow project aligns with its climate change policies. But in its court filing, the government said the Trump administration adequately considered Willow's impacts on fish, caribou and polar bear habitat. It also upheld the method used by the prior administration to account for the greenhouse gas emissions generated by the project.

Full story

5) Germany threatens G7 deal on climate risk disclosure
The Daily Telegraph, 27 May 2021

Germany is fighting a push by Britain for tougher corporate climate change rules, as talks over a global deal on taxes go down to the wire.

The Germans are resisting UK efforts aimed at forcing major companies to report how exposed they are to the risk of climate change, sources said - a key priority for the Government as it gears up for the the delayed COP26 climate summit in Glasgow in six months' time.

Agreement is "on a knife edge", Treasury sources said.

The dispute comes amid growing hopes of a separate deal on global taxation at next week's G7 summit, where US President Joe Biden is seeking to secure agreement on a minimum threshold for corporation tax.

In November, the Chancellor Rishi Sunak committed Britain's biggest companies to report climate risks to their business in line with the recommendations of the Taskforce on Climate-related Financial Disclosures (TCFD).

Under the UK plans, the disclosures will be compulsory in G7 countries by 2025, but it is understood that the Chancellor's efforts to sign members up to the commitment are being resisted by Germany and Japan.

Despite green rhetoric from German Chancellor Angela Merkel which has won plaudits among climate activists in Britain, Europe's biggest economy has been a laggard on cutting carbon emissions over the past decade and is the world's sixth biggest CO2 emitter.

A quarter of its energy production came from coal in 2020, and the country has not committed to phasing it out until 2038.

Germany's economy also relies on heavy industries following a pull away from nuclear power in the wake of 2011's Fukushima disaster, while Volkswagen, the world's second biggest car maker, was caught in a global scandal over faked emissions tests in 2015.

A Treasury source said: "It's on a knife edge - it could go either way. But we want to make it work and if we can get it over the line it would be a major step forward to getting markets to play their part in the transition - and doing that globally."

Full story (£)

6) Soaring solar energy costs could slow the renewable boom
OilPrice. 26 May 2021

This year looked like it would be a ... windfall... for renewable energy companies with the advent of the Biden Administration and its massively expensive clean energy push. Nevertheless, solar is getting left behind unexpectedly.

Year-to-date, solar module prices have risen 18 percent after consecutive years of falling into the mainstream's grasp.

One element in the solar module equation is to blame: polysilicon.

Polysilicon (known more formally as polycrystalline silicon) is a high-purity form of silicon that is a fundamental ingredient in solar photovoltaic (PV) manufacturing. It serves as a feedstock for the production of today's solar cells.

Polysilicon is witnessing a severe supply squeeze. This is great for suppliers but not so great for solar manufacturers.

In fewer than 12 months, polysilicon prices have jumped from only \$6.19/kg up to as high as \$25.88/kg. And it could travel further upwards over the next year and a half.

Last week in China, spot prices for monocrystalline grade polysilicon rose to RMB164 (US\$25.40)/kg, PVTech reported.

For solar manufacturers, it doesn't just mean higher prices for end products; it means potential project delays because the costs simply

aren't tenable.

First Solar (NASDAQ:FSLR) has shed 24% year-to-date and has risen more than twice its March 2020 low. Still, we remain unconvinced that the timing is right due to the polysilicon supply squeeze.

SunPower (NASDAQ:SPWR) is also down YTD, and honestly, most of these solar stocks were already trading at high multiples of earnings.

Full story

7) The green home agenda is Government virtue-signalling, creating victims out of those who live in old houses

Robert Taylor, The Daily Telegraph, 26 May 2021

Why is it that 'green initiatives' so often sound more like government virtue-signalling than genuine attempts to solve environmental challenges?

This morning we discover that mortgage lenders will have to guarantee that the homes they cover have a higher average EPC rating from 2025. This, we're told, is to ensure that homes throughout the UK achieve a rating of C or above by 2030 (mainly by being less draughty).

Fair enough, you might think. But it doesn't take a genius to work out that lenders will therefore be less inclined to offer mortgages to the millions of people living, or wanting to live, in older homes. Such homes will therefore lose value, as mortgages will either be difficult to find or more expensive.

If this doesn't affect you, then great. Congratulations. But millions of us are set to be disadvantaged. In fact, 19 million homes in the UK are rated EPC D or below – that's well over half the total of 29 million homes in the UK altogether. Nearly 40 per cent of all homes in England and Wales were built before the war. And it means an awful lot of us could be hit in the pocket because of a housing decision we made years or even decades ago.

Now, of course, we all need to pull together to protect the planet, and, inevitably, that means making sacrifices. We can see the sense in flying and driving less, turning lights off and learning how to recycle just about everything we've ever bought.

But discriminating against us for the type of home we live in? Making our homes less valuable? As far as I can see, nobody's done any thinking about what sort of effect this will actually have on global warming or preserving the planet – possibly because it's so small that you'd need some kind of super-powered climate-change microscope to see it. If it exists at all.

But it'll certainly create anxiety, just when we need it least, among millions of people, like me admittedly, who live in older homes built well before the modern craze for energy efficiency. Oh, and many of us, of course, are Tory voters.

So why would the government come up with such an idea at this particular juncture? Almost certainly, it's about the UN's climate talks, COP26, in Glasgow this autumn. This is a big deal for the UK on the world stage. Boris will play host. It's a chance for Britain to demonstrate its soft power and to show that coming last in Eurovision was a mere blip. The UK still matters. Douze points. What's more, we're not just world-leaders in vaccinating people, but we're fabulous at green technology. And we've set ourselves all sorts of tough environmental targets, like achieving net zero emissions by 2050. Beat that!

Then there's the matter of party-political positioning. Many of us applaud Boris's determination to plant himself bang in the centre ground, leaving Labour nowhere to go. He's done it well. And, okay, that inevitably means that those of us on the centre-right find various government initiatives rather too lefty and statist for our liking – but we're prepared to accept them if it means that a Labour party whose activists appear obsessed with critical race theory and bending the knee gets nowhere near the levers of power.

But we also want to avoid becoming innocent victims of ill-thought-through government wheezes designed, it appears, to impress Joe Biden

and other world leaders in November.

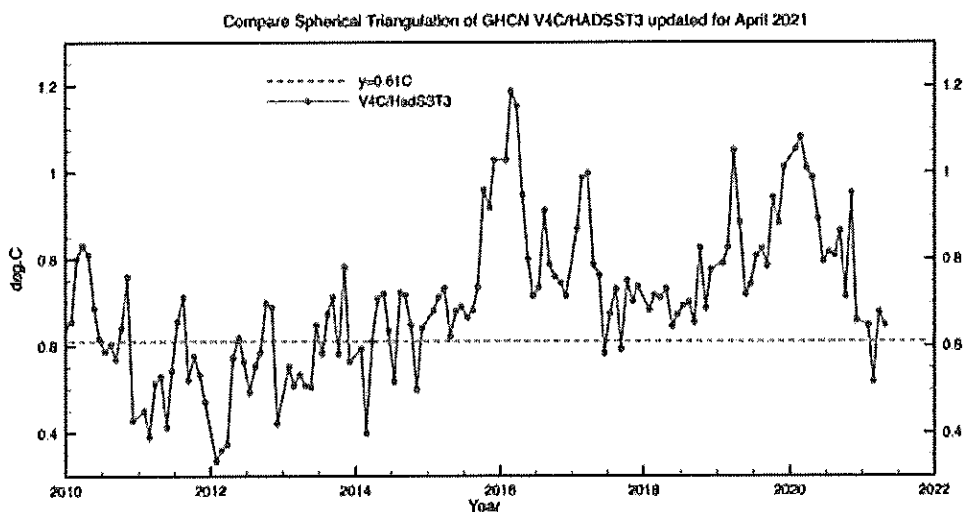
Let's hope, then, that this is one of those plans that is briefly considered then quietly discarded. Let's trust that the government will come up with other initiatives to encourage better home insulation and energy efficiency without creating a two-tier society – with the millions of us living in older houses very much the bad guys.

Because, if this goes ahead, it might indeed help Boris bask in Glaswegian green glory in November. But it'll store up a load of voter resentment come the next election.

8) David Whitehouse: The WMO's statistical temperature gamble GWPF Observatory, 27 May 2021

Dr David Whitehouse, GWPF Science Editor

We are going to be fed a regular diet of global temperature reports in the run-up to the COP26 climate talks later this year. They're all going to be based on model projections of what's likely to happen in coming years. The Paris Agreement's 1.5 °C climate target is in focus, but whether it be exceeded and when remains uncertain.



2021 so far is comparatively cool, roughly the same as in 2014. Source

Clive Best blog

The latest report from the World Meteorological Organisation says that over the next five years at least one of them will exceed that limit with a 90% certainty dislodging 2016 as the world's warmest year, "these are more than statistics," says WMO Secretary-General Prof. Petteri Taalas.

"Increasing temperatures mean more melting ice, higher sea levels, more heatwaves and other extreme weather, and greater impacts on food security, health, the environment and sustainable development," he says.

His claims are the habitual alarmist mantra in contrast to empirical observations.

Taalas adds that 2020 was among the top three warmest years despite being influenced by the cooling La Nina effect. It's a pity he didn't also mention that the warmest year on record, 2016, attained its position because of a very intense El Nino warming effect.

It is noteworthy that any annual rise in global temperature is blamed on climate change while any fall in temperature is regarded as natural variability. The report is part of the "Annual to Decade Climate Update." This is an interesting period since the definition of 'climate' is taken to be a 30-year average, but then an "Annual to Decade Weather forecast," wouldn't convey the same urgency.

So far 2021 is a very cool year with global temperatures similar to those seen fifteen years ago when they were meandering nowhere – until influenced by the 2007 and 2015 El Ninos. I suspect that if 2021 continues to be a comparatively cool year it will be rarely mentioned in the run up to COP26. But if the WMO's models are right then we can expect a large increase in global temperature after the current La Nina conditions even if there is not an El Nino.

The obvious conclusion to be drawn is that annual temperature changes are, to the first order, modified by the lead up to and the aftermath of El Ninos and La Ninas which dominate the long-term trend of greenhouse

gas forcing. We have been waiting for years for the warming trend to overwhelm these ocean cycles. Having one year reaching 1.5 °C doesn't do that.

Feedback: david.whitehouse@thegwpf.com

9) And finally: Another nail in the coffin for Western oil industry as Russia, China, Iran and green activists celebrate
The Wall Street Journal, 27 May 2021

Shell and Exxon lose landmark decisions on the same day, demonstrating growing threats to fossil-fuel companies from activists and investors

Exxon Mobil Corp. and Royal Dutch Shell PLC suffered significant defeats Wednesday as environmental groups and activist investors step up pressure on the oil industry to address concerns about climate change.

In a first-of-its-kind ruling, a Dutch court found that Shell is partially responsible for climate change, and ordered the company to sharply reduce its carbon emissions. Hours later in the U.S., an activist investor won at least two seats on Exxon's board, a historic defeat for the oil giant that will likely require it to alter its fossil-fuel focused strategy.

The back-to-back, watershed decisions demonstrated how dramatically the landscape is shifting for oil-and-gas companies as they face increasing pressure from environmentalists, investors, lenders, politicians and regulators to transition to cleaner forms of energy.

"The events of today show definitively that many leaders in the oil-and-gas industry have a tin ear and do not understand that society's views and the legal and political environment in which they operate are changing radically," said Amy Myers Jaffe, a professor at Tufts University's Fletcher School who has advised energy companies.

Climate-change activists celebrated after a district court in The Hague

ruled Wednesday that Royal Dutch Shell has to reduce its emissions by 45% by 2030.

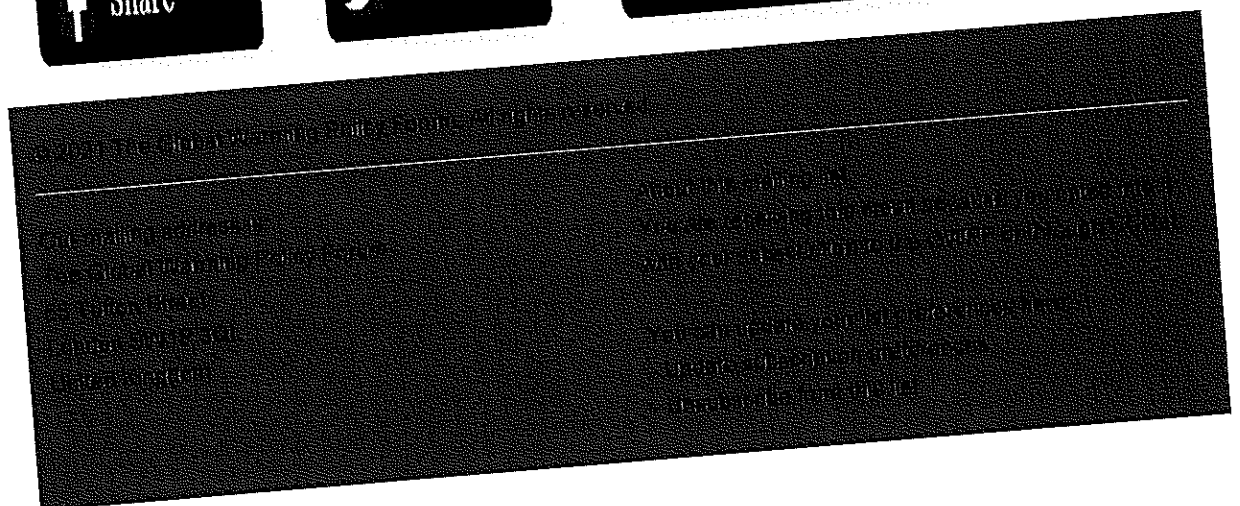
Many oil companies have begun adopting comprehensive plans to reduce emissions, and some, especially in Europe, have diversified into renewable energy. But reducing emissions without sacrificing some returns is proving challenging, and many face skepticism about their strategies.

“It’s a real market predicament,” said Peter Bryant, a managing partner at business consultant Clareo. “Even if their plan is sound, it doesn’t matter right now.”

The Shell ruling, issued by the district court in The Hague, found that Shell must curb its carbon emissions by 45% by 2030 compared with 2019 levels—and that the company was responsible not only for lowering its own direct emissions from drilling and other operations, but also those of the oil, gas and fuels eventually burned by consumers.

[Full story](#)

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From: claireantonia@gmail.com
Sent: Thursday, May 27, 2021 12:06 PM
To: Rep99
Subject: House Bill 322 - Critical Race Theory

Follow Up Flag: Follow up
Flag Status: Flagged

First Name : Claire
Last Name : Priestas
Address : 376 W 5th Ave
City : Columbus
State : OH
Zip : 43201
Phone :
Email : claireantonia@gmail.com

Subject : House Bill 322 - Critical Race Theory

Message : Dear Rep Arthur,

I wanted to write to oppose House Bill 322 regarding Critical Race Theory. I feel that this has become a bogeyman-like concept that is hardening the minds of people and creating more division. I am sorry to see your peddling misperceptions about conversations about race and worse, trying to embed these uninformed fears into our laws. I feel like the idea of Critical Race Theory became bigger and more threatening than it really is as soon as it became a rallying point for white, conservative politicians. Recognizing Ohio's history in the Civil War and importance to the Underground Railroad, I'm sorry to see Ohio now on the map for this.

There's no denying that the experience of a black person living in America is different than that of me as a white woman. Really, mostly that's what I want my kid to understand. To blame the failure of black people or latinos to reach the same levels of achievement in the US because they are lazy and "not interested in working" or because they "won't learn the language" is something I've heard grandparents say as a casual comment in front of my kid, and it's not fair. If we hear that then I think it's fair to point out that blacks and latinos may not have the relatives who went to a university and can make a phone call to get them in, or the mere fact that the college application asks where your parents went to school, gives legacies and advantage, or white people may get jobs easier because leaders "see their younger selves in them."

This divisiveness is not helpful to anyone. You're buying into false idea that any conversation about race is going to come after white people. It's not. It's about raising our children to be more empathetic, aware and improve the United States and help us live up to the ideals of equality, justice and opportunity for all. "The unexamined life is not worth living " is handed down to us from Socrates. I don't understand why you are afraid of teaching self-awareness and situational awareness to Ohio kids.

I know I'm not in your district, and I don't know if your long-term goals include governor or statewide office, but I appreciate your listening to at least maybe a future voter.

From: Abby Rambler
Sent: Thursday, May 27, 2021 9:19 PM
To: Rep99
Subject: HB322

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Representative Patterson,

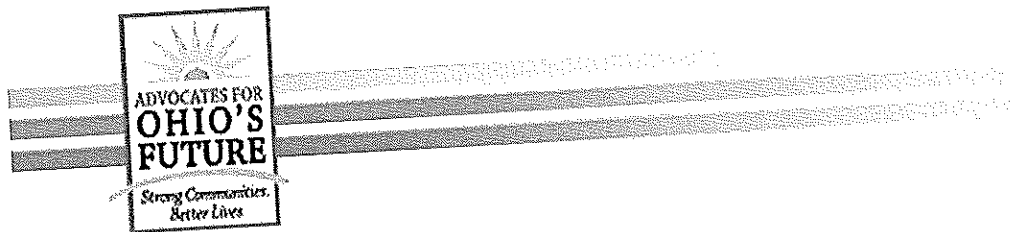
My name is Abby Rambler. I am a high school student studying in Akron, Ohio. While I am not a constituent, nor a voter yet, I am writing to you in hopes that you will reconsider your support of House Bill 322.

This bill works in terms solely of hypocrisy. There is no way to advocate against Critical Race Theory while recognizing the facts of America's founding. While I wholeheartedly believe in America's beauty and abilities, I also know of the ultimate truth of historical facts. It is precisely with this complexity and nuance that I love America. I cannot imagine myself loving any notion of an America which I didn't understand in all of its facets.

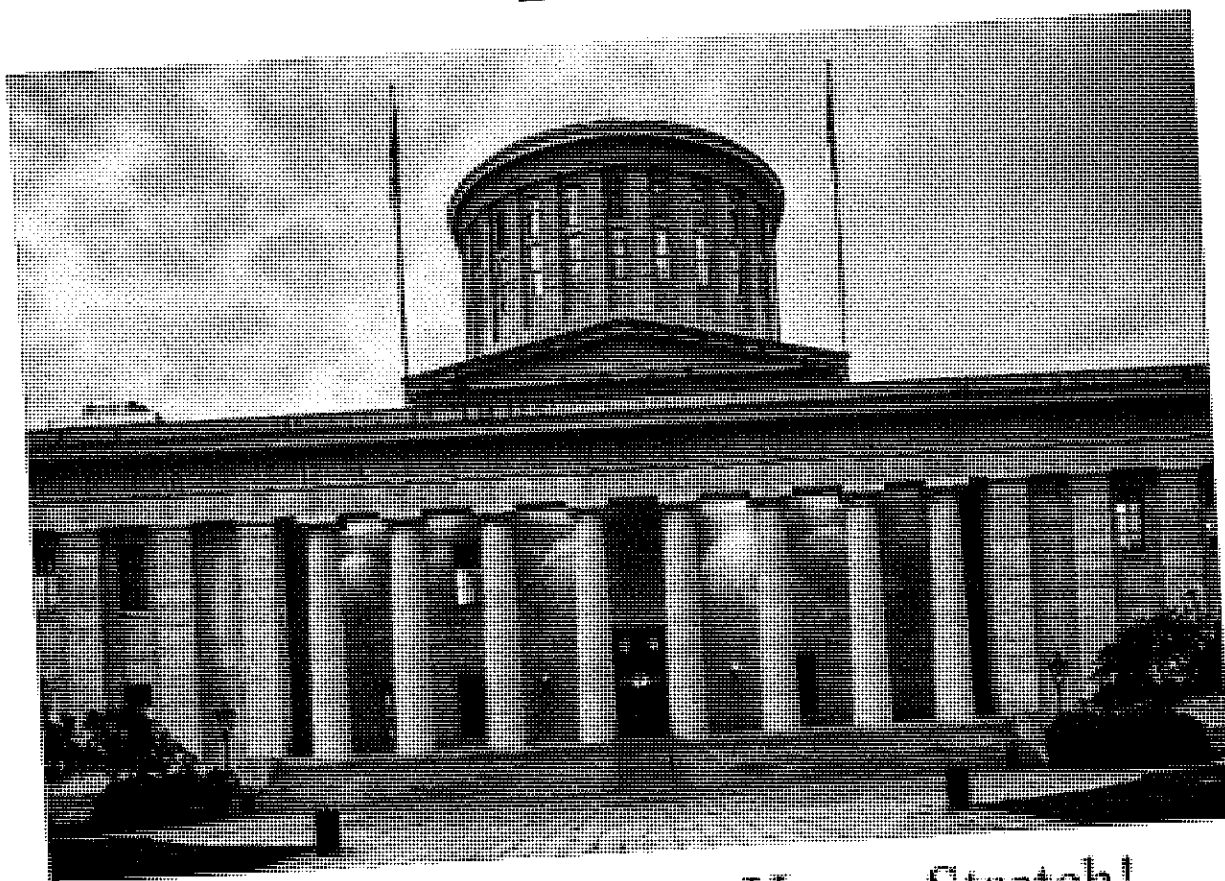
Additionally, the statements made in support of this bill have been continuations of this sort of ignoring of history. Critical Race Theory does not make you racially aware, we are inherently so. You cannot go through our world without being so. Trying to keep kids from truths of current life does not allow them to imagine new futures. It inhibits further learning, as well as awareness and understanding. Fighting against critical race theory and its relatives in curriculum is fighting for ignorance.

Thanks for your time. I hope you reconsider where your support is placed.

From: Kelsey Bergfeld
Sent: Friday, May 28, 2021 8:05 AM
To: Rep99
Subject: Home Stretch: Last Month of Budget Season Awaits



AOF Highlights May 28, 2021



Budget Timeline: Home Stretch!

This week, Senate President Matt Huffman announced the expected timeline for the remainder of the budget process for fiscal years 2022-2023. A Substitute Bill of House Bill 110, which will include the first round of Senate amendments to the

House-passed budget, is expected to be released on Tuesday, June 1st. Testimony will be accepted on Sub. HB 110 in the Senate Finance Committee next week, with the deadline to submit amendments for the omnibus bill on Friday, June 4th. The omnibus amendment is expected to be revealed on Tuesday, June 8th, after which the bill becomes known as the Amended Substitute Bill. Am. Sub. HB 110 is expected to be voted out of Senate Finance on Wednesday, June 9th, with a full Senate floor vote on Thursday, June 10th.

On the Senate floor, additional amendments can be proposed before the final bill passes out of chamber. Following a vote out of the Senate, the budget will be sent back to the House for a concurrence vote with the Senate's changes. Concurrence with the Senate's changes is not expected, after which the budget moves to Conference Committee. Conference Committee is made up of members from both the House and Senate who must reconcile differences between the House-passed budget and the Senate-passed budget.

After the Conference Committee's reconciled bill passes both the House and Senate chambers, the budget is sent to Governor Mike DeWine for signature. The Governor may line-item veto provisions within the budget, meaning some provisions can be stricken while the remainder of the bill remains in-tact.

The budget must be signed by the Governor by June 30th, with the new fiscal year beginning on July 1st. We're in the final stretch of budget season and AOF stands ready to review changes to versions of the bill as they're released!

UHCAN Ohio Health Care Discrimination Survey

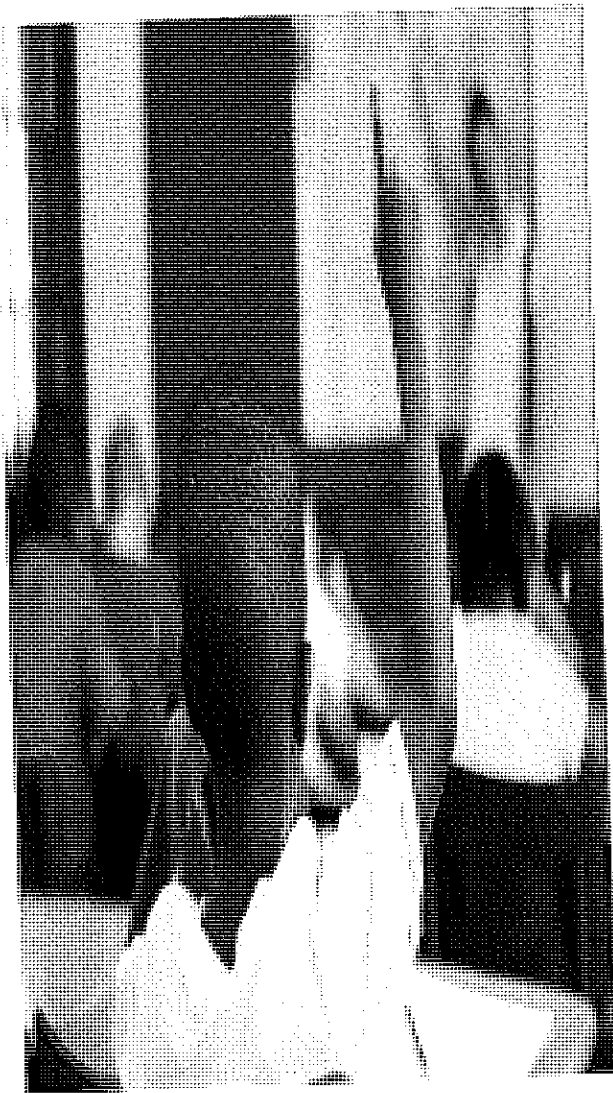


The Universal Health Care Action Network of Ohio is conducting an 8-minute survey to better understand people's discriminatory experiences in the health care system, particularly in hospitals. Whether or not you feel that you have experienced

discrimination, please take this survey to help address systemic racism in our institutions.

AOF Biweekly Budget Webinar: June 4th at 10:30AM

In our biweekly webinar on June 4th, we'll review the first round of changes to Substitute House Bill 110, the operating budget bill, and outline the path in the final month of budget season. Register [HERE!](#)



AOF Legislative Watch: HB 322 & HB 327

This week two bills were introduced in the House that would bar schools from teaching or requiring training for staff on a variety of topics related to race, sex, gender, social affairs, policy advocacy and other "divisive concepts."

- House Bill 322 (Rep. Jones, R-Freeport), Regards the teaching of certain current events, race, and sex
- House Bill 327 (Rep. Grendell, R-Chesterland; Rep. Fowler, R-Geneva-on-the-Lake), Prohibit teaching, advocating, or promoting divisive concepts

AOF and our member organizations are digging into these two bills and will be keeping a close eye on them. We'll keep you updated!

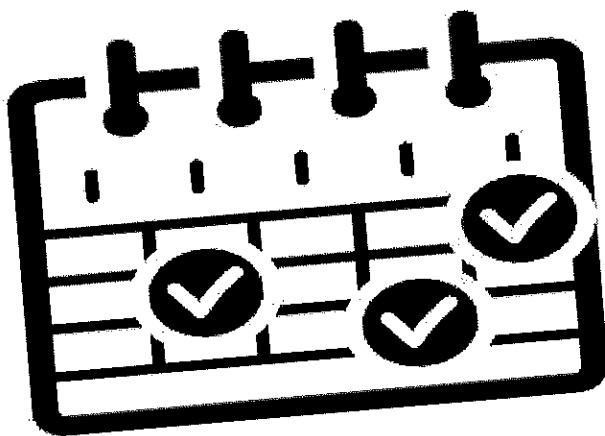
Loss of Federal Pandemic Unemployment

On June 26th, Federal Pandemic Unemployment Compensation (FPUC), which provides \$300 per week to unemployed Ohioans through a federal supplement, will end in Ohio. By ending FPUC before the September end-date set by Congress, Ohio will lose almost \$1 billion in fully federally funded benefits flowing into the state economy. Living wages, access to child care, and safety are all factors in an individual's decision to return to work. Without considering these issues, withdrawing FPUC support from the state could threaten Ohio's economic recovery.



Upcoming Events

- Ohio Children's Budget Coalition
#WholeChildBudget Facebook Live:
Supporting Ohio's Multi-System Youth
Friday, May 28th at 1:00pm Tune in [HERE](#)
- The Arc and NHeLP Webinar: American
Rescue Plan HCBS Funding: What You Need
To Know Tuesday June 1st at 3:00pm
[Register HERE](#)
- Children's Defense Fund-Ohio and Mental
Health & Addiction Advocacy Coalition
Webinar: Mind the Gap: Creating a Robust



Continuum of Behavioral Health Care for
Young Ohioans Friday, June 11th at 9:00am
Register [HERE](#)

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From: sarasota6@twc.com
Sent: Friday, May 28, 2021 9:49 AM
To: Rep99
Subject: Legislation â€œCRTâ€

Follow Up Flag: Follow up
Flag Status: Flagged

First Name : Jill

Last Name : Hale

Address : PO Box 338

City : Jackson

State : OH

Zip : 45640

Phone : (740) 935-0740

Email : sarasota6@twc.com

Subject :
Legislation â CRTâ

Message :

Thank you for supporting legislation to stop the implementation of CRT into Ohio public schools. I have 4 grandchildren in Ohio public schools & the thought of CRT being integrated into their education was beyond troubling. Regards, Jill Hale

From: Susan Tebben
Sent: Friday, May 28, 2021 10:35 AM
To: Rep99
Subject: HB 327

Hi Rep. Fowler Arthur-
I hope this email finds you well. I wanted to have a quick chat over the phone with you about a bill you're co-sponsoring, House Bill 327. I'm calling just to get your perspective on the bill, and what you hope to see come out of the bill's passage. I won't take more than 10 minutes of your time, which I know is at a premium, so please let me know what time works for you, or give me a call at (740) 707-4568.
If an email statement would be more accessible at this time, I would be happy to send questions. I'm looking to do a story to run Monday, so ideally I would like to talk or receive the email statement by the end of the day today.
Thank you, and I look forward to speaking with you!

Susan

Susan Tebben
Reporter
Ohio Capital Journal
stebben@ohiocapitaljournal.com
(740) 707-4568

From: Equality Ohio
Sent: Friday, May 28, 2021 4:00 PM
To: Rep99
Subject: Good News for Ohio Birth Certificates, Kimberlé Crenshaw and 2021 Pride Guide

Equality Bulletin EQUALITY OHIO LGBTQ News: Ohio & Beyond

★ YAY ✕ UGH... ✎ ACT ⚖️ LEGAL CLINIC ● RACIAL EQUITY

⚖️★✎ You Can Now Change Your Gender Marker on Your Ohio Birth Certificate

Thanks to the work of four brave plaintiffs born in Ohio and the legal magic of the ACLU of Ohio, ACLU National, and Lambda Legal, the Ohio Department of Health is finally allowing individuals to change the gender marker on their birth certificates. ACLU released an FAQ about how to do this, and, starting June 1st, Equality Ohio's legal clinic will support individuals seeking these changes.

Related: Do you want to change your gender marker on your Ohio birth certificate? Visit Equality Ohio's legal clinic online intake form here. We are proud to support qualifying LGBTQ+ individuals at 300% of the federal poverty level.

✎●⚖️ Meet one of the scholars who coined "Critical Race Theory" So who is Kimberlé Crenshaw, besides a 62 year old Ohio native, and what exactly is Critical Race Theory? In light of the latest legislation to ban critical race theory, a lot of us are wondering what the subject is, and where it came from. According to Ms. Crenshaw, one of the scholars who first wrote on the subject, CRT does not promote the idea that certain people are born racist. Instead, it discusses how racism is embedded within systems, such as redlining and face recognition algorithms, and opens the door for more inclusive discussions about equity and equality.

Related: This week, on the anniversary of George Floyd's murder, HB 322 and HB 327 were introduced, both of which seek to chill meaningful discussion of systemic racism, critical race theory, and even any nonbinary understanding of gender. Call Speaker Cupp at (614) 466-9624 to tell him these bills are discriminatory, inaccurate, and serve no purpose but to incite fear.

★★★ Pride Season is Upon Us

If you're not sure what's going on across the state for Pride month this year, look no further. The Buckeye Flame has graced us with doing all the work. "...Break out those rainbow balloons as things are looking up for Summer 2021 with Pride celebrations coming together throughout the Buckeye State. We are proud to present to you our 2021 LGBTQ+ Ohio Pride Guide, a list we will keep updating as we get more information."

★ Fiercely Forward - Registration Now Open!

June 20-25th 2021: End Pride month with us! Fiercely Forward is a FREE statewide, week-long virtual conference building people power where the people are. Together we will galvanize LGBTQ+ individuals and allies from the grassroots to the grass tops. Join professionals, educators, advocates, thought leaders, families, politicians, and community businesses to listen, connect, and resource one another. Using education, analysis and application we will build solutions together throughout the week, and look to examples across the state and nation that are leading the way towards lived & legal equality for the rainbow umbrella.

RSVP To Fiercely Forward

WITH SUPPORT FROM

EATON

Equality Ohio
370 S 5th St Ste G3
Columbus, OH 43215
United States

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From: karensueburton@cinci.rr.com
Sent: Monday, May 31, 2021 5:44 PM
To: Rep99
Subject: HB322

Follow Up Flag: Follow up
Flag Status: Flagged

First Name : Karen

Last Name : Burton

Address : 8718 Hedgerow Ln

City : Maineville

State : OH

Zip : 45039

Phone : (513) 309-0612

Email : karensueburton@cinci.rr.com

Subject :
HB322

Message :

Thank you for cosponsoring HB322.

Kings Local Schools slipped CRT into English classes. Please ensure this bill does not leave a loophole open to teach CRT in English classes.

We must get Critical Race Theory out of Kings Local School District and passage of this bill will help us do that.

Thank you for fighting to protect Ohio's children from this harmful curriculum!

I have been compiling CRT resources onto a website. Some of your voters might find this helpful in understanding what CRT is and why it is important to remove it from publicly funded schools: <https://kingscommunityforeducationintegrity.org/what-is-crt%3F>

From: Protect Ohio Children Coalition

Sent: Tuesday, June 1, 2021 6:01 AM

To: Rep99

Subject: Soon you'll know what indoctrination is being taught in Ohio schools.



Protect Ohio Children

STOP Indoctrination in Schools

Soon you'll know what indoctrination is being taught in Ohio schools

Do you know if Critical Race Theory (CRT), Comprehensive Sex Education (CSE), or Social Emotional Learning (SEL), is being taught in your local school system?

CRT and CSE are in the news every day across America. Children are now learning about how to discuss their "white privilege" and that the US is a bad place. Children are learning they can pick their gender, and are literally being groomed as customers for Planned Parenthood right in many classrooms! Recently, a teacher from the Mad River School District, wrote this outrageous statement:

"I am ashamed. Ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

The Protect Ohio Children Coalition has undergone a dramatic transformation. We are here to help. For several years we have been gathering evidence of CSE obscenity and inappropriate materials in the schools and we have also been "at the tip of the spear" fighting Critical Race Theory at school board meetings. We have compiled evidence from school districts in Ohio and built an on-line "site map" to help you see at-a-glance the evidence that indoctrination is wildly growing in Ohio, and it may be in YOUR district right NOW!

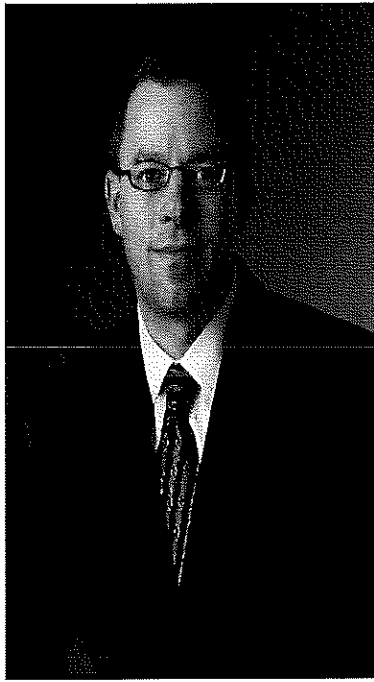
If you want to know if evidence has been found in your school district, watch for an email from us soon announcing our new website and indoctrination site map.

We have been organizing our efforts and have expanded our board with top-notch professionals, that you may already know in your community. Our regional co-chairs are advisors that you can trust.

Diane Stover
Program Director
Protect Ohio Children Coalition

SIGN OUR PETITION: STOP INDOCTRINATION IN OHIO SCHOOLS

Meet Our Regional Co-Chairs

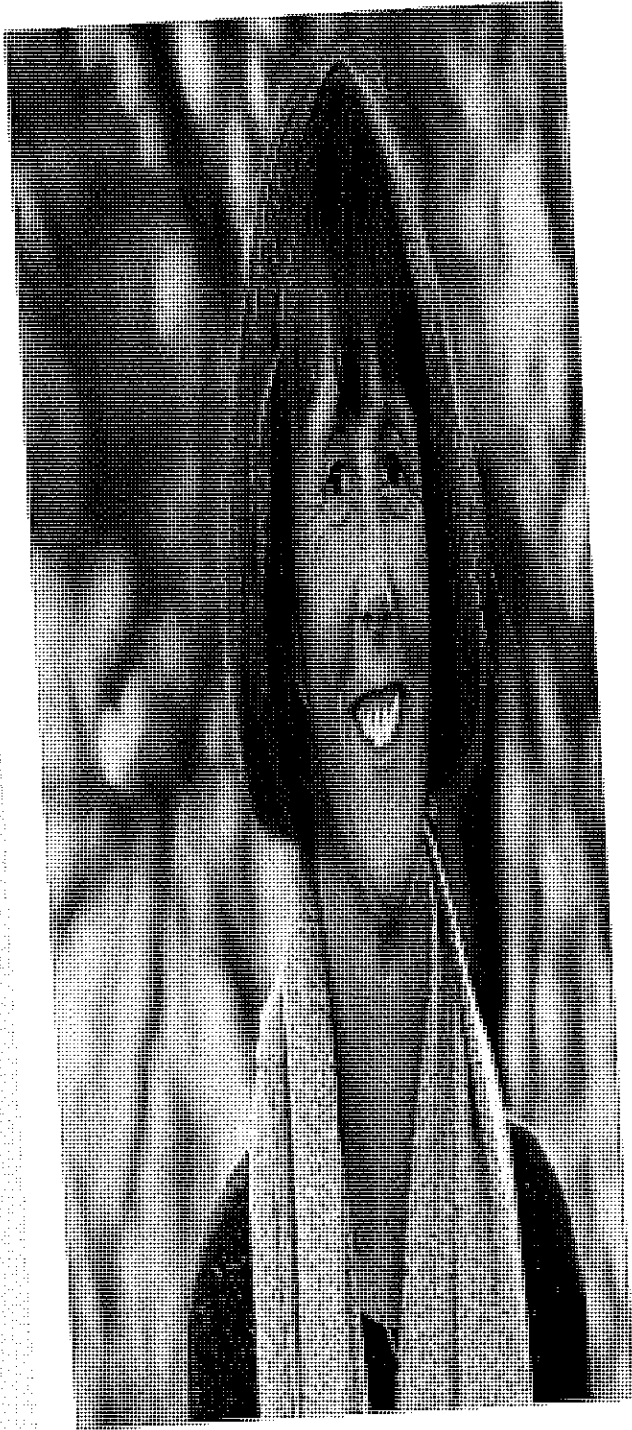


Jonathan Broadbent
North Region



Cathy Pultz
Central Region





Jen Burr
South Region

The Protect Ohio Children Coalition is facilitated by
Ohio Value Voters, Inc.

Ohio Value Voters, Inc. | P.O. Box 29502, Cleveland, OH 44129

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From: Susan Tebben
Sent: Tuesday, June 1, 2021 9:58 AM
To: Rep99
Subject: Fwd: HB 327

Hi Rep. Fowler Arthur -
I know that I sent you the below message on the Friday before a holiday, so I wanted to circle back on this and see if I could have a few minutes of your time today for a phone interview. Please let me know what time works for you and I will be happy to accommodate. My cell phone is (740) 707-4568.
Thanks!

Susan

----- Forwarded message -----
From: Susan Tebben <stebben@ohiocapitaljournal.com>
Date: Fri, May 28, 2021 at 10:34 AM
Subject: HB 327
To: <rep99@ohiohouse.gov>

Hi Rep. Fowler Arthur-
I hope this email finds you well. I wanted to have a quick chat over the phone with you about a bill you're co-sponsoring, House Bill 327. I'm calling just to get your perspective on the bill, and what you hope to see come out of the bill's passage.
I won't take more than 10 minutes of your time, which I know is at a premium, so please let me know what time works for you, or give me a call at (740) 707-4568.
If an email statement would be more accessible at this time, I would be happy to send questions. I'm looking to do a story to run Monday, so ideally I would like to talk or receive the email statement by the end of the day today.
Thank you, and I look forward to speaking with you!

Susan

Susan Tebben
Reporter
Ohio Capital Journal
stebben@ohiocapitaljournal.com
(740) 707-4568

--
Susan Tebben
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Twitter: @susantebben

From: bigmomma2@windstream.net
Sent: Tuesday, June 1, 2021 4:41 PM
To: Rep99
Subject: Schools

Follow Up Flag: Follow up
Flag Status: Flagged

First Name : Elizabeth

Last Name : Moll

Address : 10489 Sawmill Drive

City : Chardon

State : OH

Zip : 44024

Phone : (440) 285-3114

Email : bigmomma2@windstream.net

Subject :
Schools

Message :

My husband and I know that Critical Race theory and 1619 Project are Marxist/Communist-inspired, anti-American poisons filtering into our country's schools. We would like to see our legislatures banning these programs from our public schools in Ohio' -Dale Mathews and Elizabeth Moll

From: Rep99
Sent: Tuesday, June 1, 2021 4:52 PM
To: 'bigmomma2@windstream.net'
Subject: RE: Schools
Attachments: hb327_00_IN.pdf

Good afternoon,

Thank you for reaching out to the office of State Representative Sarah Fowler Arthur. Repetitive Fowler Arthur is joint sponsoring H.B 327 prohibiting teaching, advocating or promoting divisive concepts (<https://ohiohouse.gov/legislation/134/hb327>).

As always, please feel free to contact our office at 614-466-1405 with any other questions or concerns.

Best,

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

-----Original Message-----
From: bigmomma2@windstream.net <bigmomma2@windstream.net>
Sent: Tuesday, June 1, 2021 4:41 PM
To: Rep99 <Rep99@ohiohouse.gov>
Subject: Schools

First Name : Elizabeth

Last Name : Moll

Address : 10489 Sawmill Drive

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As Introduced

**134th General Assembly
Regular Session
2021-2022**

H. B. No. 327

Representatives Grendell, Fowler Arthur

Cosponsors: Representatives Abrams, Ginter, Click, Holmes, Stoltzfus, Gross, Vitale, Riedel, Jordan, Zeltwanger, Cross, Johnson, McClain, Edwards, Merrin, Schmidt, Dean, Wiggam, Brinkman, Callender, Creech, Loychik, Stein, Powell, Young, T., Stephens, Plummer, Ferguson, Kick, Young, B., Richardson, Cutrona, Carruthers, John

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3313.6027 and 4113.35 of the Revised Code to prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3313.6027 and 4113.35 of the Revised Code be enacted to read as follows:

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Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is inherently superior to another nationality, color, ethnicity, race, or sex.

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- (b) The United States is fundamentally racist or sexist. 15
- (c) An individual, by virtue of the individual's 16
nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19
- (d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22
- (e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25
- (f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28
- (g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32
- (h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36
- (i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38
- (2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42

ethnicity, race, or sex.

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(3) "Race or sex scapegoating" means assigning fault, blame, or bias to a nationality, color, ethnicity, race, or sex or to members of a nationality, color, ethnicity, race, or sex because of their nationality, color, ethnicity, race, or sex. It also includes any claim that consciously or unconsciously, and by virtue of their nationality, color, ethnicity, race, or sex, members of any nationality, color, ethnicity, or race are inherently racist or are inherently inclined to oppress others or members of a sex are inherently sexist or are inherently inclined to oppress others.

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(B) (1) No school district shall teach, instruct, or train any divisive concepts, nor shall any school district require a student to advocate for or against a specific topic or point of view to receive credit for any coursework.

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(2) No school district shall accept private funding for the purpose of developing a curriculum, purchasing or selecting course materials, or providing teacher training or professional development for a course promoting divisive concepts.

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(C) If the superintendent of public instruction determines that any school district knowingly violates the prohibitions prescribed in division (B) of this section, the department of education shall withhold state funding from the district in the amount determined by the department until such time as the department determines the district no longer is in violation of that division.

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(D) Nothing in this section shall be construed to prohibit discussing or using supplemental instructional materials, as part of a larger course of academic instruction, to teach

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divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

(1) The history of an ethnic group, as described in 74
textbooks and instructional materials adopted in accordance with 75
the Revised Code concerning textbooks and instructional 76
materials; 77

(2) The impartial discussion of controversial aspects of 78
history; 79

(3) The impartial instruction on the historical oppression 80
of a particular group of people based on race, ethnicity, class, 81
nationality, religion, or geographic region; 82

(4) Historical documents permitted under statutory law, 83
such as the national motto, the national anthem, the Ohio 84
Constitution, the United States Constitution, the Revised Code, 85
federal law, and United States Supreme Court decisions. 86

(E) The state board of education may adopt rules regarding 87
the implementation of and monitoring compliance with the 88
provisions of this section. 89

Sec. 3314.03. A copy of every contract entered into under 90
this section shall be filed with the superintendent of public 91
instruction. The department of education shall make available on 92
its web site a copy of every approved, executed contract filed 93
with the superintendent under this section. 94

(A) Each contract entered into between a sponsor and the 95
governing authority of a community school shall specify the 96
following: 97

(1) That the school shall be established as either of the 98
following: 99

(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003;	100 101 102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and	127

ethnic balance reflective of the community it serves;	128
(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.	129 130 131 132 133 134
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	135 136
(a) A detailed description of each facility used for instructional purposes;	137 138
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	139 140
(c) The annual mortgage principal and interest payments that are paid by the school;	141 142
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	143 144 145
(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.	146 147 148 149 150 151
(11) That the school will comply with the following requirements:	152 153
(a) The school will provide learning opportunities to a minimum of twenty-five students for a minimum of nine hundred	154 155

twenty hours per school year.	156
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	157 158 159
(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.	160 161 162 163
(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 Revised Code.	164 165 166 167 168 169 170 171 172 173 174 175 176 177 178 179 180 181 182
(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code.	183 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187
the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J)(1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J)(3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215

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As Introduced**

months after the end of each school year a report of its	216
activities and progress in meeting the goals and standards of	217
divisions (A) (3) and (4) of this section and its financial	218
status to the sponsor and the parents of all students enrolled	219
in the school.	220
(h) The school, unless it is an internet- or computer-	221
based community school, will comply with section 3313.801 of the	222
Revised Code as if it were a school district.	223
(i) If the school is the recipient of moneys from a grant	224
awarded under the federal race to the top program, Division (A),	225
Title XIV, Sections 14005 and 14006 of the "American Recovery	226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115,	227
the school will pay teachers based upon performance in	228
accordance with section 3317.141 and will comply with section	229
3319.111 of the Revised Code as if it were a school district.	230
(j) If the school operates a preschool program that is	231
licensed by the department of education under sections 3301.52	232
to 3301.59 of the Revised Code, the school shall comply with	233
sections 3301.50 to 3301.59 of the Revised Code and the minimum	234
standards for preschool programs prescribed in rules adopted by	235
the state board under section 3301.53 of the Revised Code.	236
(k) The school will comply with sections 3313.6021 and	237
3313.6023 of the Revised Code as if it were a school district	238
unless it is either of the following:	239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the	241
enrolled students are children with disabilities as described in	242
division (A) (4) (b) of section 3314.35 of the Revised Code.	243
(l) The school will comply with section 3321.191 of the	244

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As Introduced**

Revised Code, unless it is an internet- or computer-based	245
community school that is subject to section 3314.261 of the	246
Revised Code.	247
(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
delegating to the governing authority of the community school	269
with respect to all or any specified group of employees provided	270
the delegation is not prohibited by a collective bargaining	271
agreement applicable to such employees;	272

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As Introduced**

(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	274
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(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following:	277
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	283
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(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	286
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(c) Permit the enrollment of students who reside in any other district in the state.	289
	290
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	291
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	295
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(22) A provision recognizing both of the following:	298
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	299
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As Introduced

(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action. 302
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(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code; 309
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(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to be taken by a school district pursuant to those sections shall be taken by the sponsor of the school. However, the sponsor shall not be required to take any action described in division (F) of section 3302.04 of the Revised Code. 315
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(25) Beginning in the 2006-2007 school year, the school will open for operation not later than the thirtieth day of September each school year, unless the mission of the school as specified under division (A) (2) of this section is solely to serve dropouts. In its initial year of operation, if the school fails to open by the thirtieth day of September, or within one year after the adoption of the contract pursuant to division (D) of section 3314.02 of the Revised Code if the mission of the school is solely to serve dropouts, the contract shall be void. 321
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(26) Whether the school's governing authority is planning to seek designation for the school as a STEM school equivalent 330
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As Introduced

	332
under section 3326.032 of the Revised Code;	333
(27) That the school's attendance and participation policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335
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(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	343
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(a) An indication of what blended learning model or models will be used;	345
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(b) A description of how student instructional needs will be determined and documented;	347
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(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349
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(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351
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(e) A statement describing how student progress will be monitored;	354
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(f) A statement describing how private student data will be protected;	356
	357
(g) A description of the professional development	358

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As Introduced

activities that will be offered to teachers.	359
(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;	360 361 362 363
(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.	364 365 366 367 368
(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.	369 370 371 372 373
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	374 375 376
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	377 378 379
(1) The process by which the governing authority of the school will be selected in the future;	380 381
(2) The management and administration of the school;	382
(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 to attend the converted school and for teachers who choose not	383 384 385 386

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As Introduced**

to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388
of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415

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	416
(3) Report on an annual basis the results of the	417
evaluation conducted under division (D) (2) of this section to	418
the department of education and to the parents of students	419
enrolled in the community school;	420
(4) Provide technical assistance to the community school	421
in complying with laws applicable to the school and terms of the	422
contract;	423
(5) Take steps to intervene in the school's operation to	424
correct problems in the school's overall performance, declare	425
the school to be on probationary status pursuant to section	426
3314.073 of the Revised Code, suspend the operation of the	427
school pursuant to section 3314.072 of the Revised Code, or	428
terminate the contract of the school pursuant to section 3314.07	429
of the Revised Code as determined necessary by the sponsor;	430
(6) Have in place a plan of action to be undertaken in the	431
event the community school experiences financial difficulties or	432
closes prior to the end of a school year.	433
(E) Upon the expiration of a contract entered into under	434
this section, the sponsor of a community school may, with the	435
approval of the governing authority of the school, renew that	436
contract for a period of time determined by the sponsor, but not	437
ending earlier than the end of any school year, if the sponsor	438
finds that the school's compliance with applicable laws and	439
terms of the contract and the school's progress in meeting the	440
academic goals prescribed in the contract have been	441
satisfactory. Any contract that is renewed under this division	442
remains subject to the provisions of sections 3314.07, 3314.072,	443
and 3314.073 of the Revised Code.	444
(F) If a community school fails to open for operation	445

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445 within one year after the contract entered into under this
 446 section is adopted pursuant to division (D) of section 3314.02
 447 of the Revised Code or permanently closes prior to the
 448 expiration of the contract, the contract shall be void and the
 449 school shall not enter into a contract with any other sponsor. A
 450 school shall not be considered permanently closed because the
 451 operations of the school have been suspended pursuant to section
 452 3314.072 of the Revised Code.

453 **Sec. 3326.11.** Each science, technology, engineering, and
 454 mathematics school established under this chapter and its
 455 governing body shall comply with sections 9.90, 9.91, 109.65,
 456 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,
 457 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15,
 458 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48,
 459 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608,
 460 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020,
 461 3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611,
 462 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643,
 463 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666,
 464 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671,
 465 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718,
 466 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814,
 467 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96,
 468 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321,
 469 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01,
 470 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14,
 471 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251,
 472 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters
 473 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112.,
 474 4123., 4141., and 4167. of the Revised Code as if it were a
 475 school district.

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<u>Sec. 4113.35. (A) As used in this section:</u>	477
<u>(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code.</u>	478
<u>(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system.</u>	479
<u>(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code.</u>	480
<u>(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts.</u>	481
<u>(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment.</u>	482
<u>(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts.</u>	483
<u>(C) The administrative head of each state agency shall do the following:</u>	484
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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. 504
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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. 509
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- (3) Ensure that divisive concepts are not taught, 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; 518
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- (4) Encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by federal or state law; 522
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- (5) Issue to all agency employees the policy developed under division (D) 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. 525
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- (D) The department of administrative services shall 532

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develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534
inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561

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amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563
presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From:

Sent: Tuesday, June 1, 2021 4:52 PM

Subject:

Good afternoon,

Thank you for reaching out to the office of State Representative Sarah Fowler Arthur. Repetitive Fowler Arthur is joint sponsoring H.B 327 prohibiting teaching, advocating or promoting divisive concepts (<https://ohiohouse.gov/legislation/134/hb327>).

As always, please feel free to contact our office at 614-466-1405 with any other questions or concerns.

Best,

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

AUSTIN KNUDSEN



STATE OF MONTANA

VOLUME NO. 58

OPINION NO. 1

May 27, 2021

Hon. Elsie Arntzen
Superintendent of Public Instruction
Office of Public Instruction
P.O. Box 202501
Helena, MT 59620

HELD: In many instances, the use of “Critical Race Theory” and “antiracism” programming discriminates on the basis of race, color, or national origin in violation of the Equal Protection Clause of the Fourteenth Amendment, Title VI of the Civil Rights Act of 1964, Article II, Section 4 of the Montana Constitution, and the Montana Human Rights Act.

Dear Superintendent Arntzen:

You have requested an Attorney General Opinion on a question I have restated as follows:

Whether the teaching of Critical Race Theory or so-called “antiracism” in Montana schools violates the U.S. Constitution, Title VI of the Civil Rights Act of 1964, Article II, Section 4 of the Montana Constitution, or the Montana Human Rights Act.

I have determined that this matter is appropriate for a legal opinion and I am pleased to respond. See MONT. CODE ANN. 2-15-501(7).

INTRODUCTION

Before addressing the specifics of your question, I want to note the importance of this topic to my role as Attorney General. The events of the past year have generated enormous debate and discussion about the foundations of our country, our national character, and the legacy of our mistakes.

The United States is an exceptional nation founded on exceptional principles. Beyond a simple political revolt, the Founders waged an ideological revolution—one that ushered in a new epoch and reordered American society around timeless truths.

DEPARTMENT OF JUSTICE

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Those truths found voice in the Declaration of Independence, when the Founders proclaimed that “all men are created equal” and “that they are endowed by their Creator with certain unalienable rights.” That generation constructed our great Constitution around those same principles. Indeed, the Framers considered the Declaration’s assertion of human equality to be *the* self-evident truth—the absolute truth—upon which our republican form of government necessarily hinges. HADLEY ARKES, *FIRST THINGS: AN INQUIRY INTO THE FIRST PRINCIPLES OF MORALS AND JUSTICE* 29 (1986) (quoting Speech of J. Madison (Jun. 8, 1789)). Government by consent “emerged because it is the only arrangement compatible with the premise of natural equality.” *Id.* at 42. The Declaration therefore infused into our national character and institutions a timeless truth rooted in nature—that all humans are created equal.

We are, however, an imperfect nation and have struggled from the beginning to live up to our ideals. In his famous *I Have a Dream* speech, Martin Luther King, Jr. declared that when the “architects of our great republic wrote the magnificent words of the Constitution and the Declaration of Independence, they were signing a promissory note to which every American was to fall heir.” It is our duty, as elected officials and citizens, to move ever closer to those fundamental principles. Only by steadfastly adhering to that commitment will future generations continue to enjoy the blessings of liberty. For me, the principles undergirding the Constitution are non-negotiable. And it is in that spirit and under that duty that I provide this opinion. As Justice Antonin Scalia wrote, “[i]n the eyes of government, we are just one race here. It is American.” *Adarand Constructors, Inc. v. Peña*, 515 U.S. 200, 239 (1995) (Scalia, J., concurring).

A. THE CONSTITUTION OF THE UNITED STATES

Justice John Marshall Harlan—known as the “Great Dissenter”—famously proclaimed, “[o]ur Constitution is color-blind, and neither knows nor tolerates classes among citizens.” *Plessy v. Ferguson*, 163 U.S. 537, 559 (1896) (Harlan, J., dissenting). Because “[t]he law regards man as man,” he asserted, it must “take[] no account of his surroundings or of his color.” *Id.* It would take almost another 60 years, but Justice Harlan’s lone pronouncement would eventually become the rule ending segregation in *Brown v. Board of Education*, 347 U.S. 483 (1954).

The Fourteenth Amendment to the U.S. Constitution provides that no State shall “deny to any person within its jurisdiction the equal protection of the laws.” U.S. CONST. amend. XIV, § 1.¹ The “central purpose” of the Equal Protection Clause “is to prevent the States from purposefully discriminating between individuals on the basis of race.” *Shaw v. Reno*, 509 U.S. 630, 642 (1993). “Purchased at the price of

¹ The Equal Protection Clause of the Fourteenth Amendment has been incorporated against the Federal government through the Fifth Amendment’s Due Process Clause. *See Adarand*, 515 U.S. at 215.

immeasurable human suffering, the equal protection principle reflects our Nation's understanding that [racial] classifications ultimately have a destructive impact on the individual and our society." *Adarand*, 515 U.S. at 240 (Thomas, J., concurring). As a result, the Supreme Court's jurisprudence recognizes that "[c]lassifications of citizens solely on the basis of race 'are by their very nature odious to a free people whose institutions are founded upon the doctrine of equality.'" *Shaw*, 509 U.S. at 643 (quoting *Hirabayashi v. United States*, 320 U.S. 81, 100 (1943)); *Richmond v. J. A. Croson Co.*, 488 U.S. 469, 518 (1989) (Kennedy, J., concurring) ("The moral imperative of racial neutrality is the driving force of the Equal Protection Clause."). Therefore, "the Equal Protection Clause demands that racial classifications ... be subjected to the 'most rigid scrutiny.'" *Fisher v. Univ. of Tex.*, 570 U.S. 297, 310 (2013) (*Fisher I*) (quoting *Loving v. Virginia*, 388 U.S. 1, 11 (1967)).

The Supreme Court has permitted the use of race in very narrow circumstances. Because "[r]acial and ethnic distinctions of any sort are inherently suspect," they "call for the most exacting judicial examination." *Regents of Univ. of Cal. v. Bakke*, 438 U.S. 265, 291 (1978) (opinion of Powell, J.); *Croson*, 488 U.S. at 493 (the use of race is "highly suspect"). Any classification based on race is, therefore, presumptively invalid. See *Shaw*, 509 U.S. at 643-44 (quoting *Pers. Adm'r of Massachusetts v. Feeney*, 442 U.S. 256, 272 (1979)); *Gratz v. Bollinger*, 539 U.S. 244, 270 (2003). Whether imposed by federal, state, or local governments, the use of race must survive "strict scrutiny." *Adarand*, 515 U.S. at 227. The consideration of race only survives strict scrutiny if it is narrowly tailored to further a compelling governmental interest that has been recognized by the U.S. Supreme Court. See *Fisher v. Univ. of Tex.*, 136 S. Ct. 2198, 2208 (2016) (*Fisher II*). And the Supreme Court has recognized only two such compelling interests. See *Parents Involved in Cmty. Schs. v. Seattle Sch. Dist. No. 1*, 551 U.S. 701, 720, 722 (2007) (majority opinion) (noting that in evaluating the use of racial classifications the Court has recognized two interests that qualify as compelling: "remedying the effects of past intentional discrimination" and "diversity in higher education").

The Supreme Court has permitted entities to employ remedial measures to rectify the effects of identified discrimination within their jurisdiction. Any program using race, however, must "tailor remedial relief to those who truly have suffered the effects of prior discrimination." *Croson*, 488 U.S. at 508. The government must show "a strong basis in evidence for [a] conclusion that remedial action [is] necessary." *Id.* at 510 (quoting *Wygant v. Jackson Bd. of Educ.*, 476 U.S. 267, 277 (1986)); see also *id.* at 499 ("amorphous claim that there has been past discrimination in a particular industry cannot justify the use of an unyielding racial quota"). Importantly, the Supreme Court has rejected "societal discrimination" as a legitimate basis for race-conscious classifications. *Croson*, 488 U.S. at 505 (citing *Bakke*, 438 U.S. at 296-97).

The Supreme Court has also decided that—for the time being²—student body diversity is a compelling interest that can justify the use of race in higher-education admissions. *Grutter v. Bollinger*, 539 U.S. 306, 325 (2003).³ Schools still bear the “ultimate burden of demonstrating, before turning to racial classifications, that available, workable race-neutral alternatives do not suffice.” *Fisher I*, 570 U.S. at 312. Still, the “entire gist of the analysis in *Grutter* was that the admissions program ... focused on each applicant as an *individual*, and not simply as a member of a particular racial group” and “only as part of a ‘highly individualized, holistic review.’” *Parents Involved*, 551 U.S. at 722-23 (emphasis added) (quoting *Grutter*, 539 U.S. at 337). *Grutter* was importantly limited to higher education and only as one factor to be used in attainment of a diverse student body. See 539 U.S. at 329-30.⁴

B. TITLE VI OF THE CIVIL RIGHTS ACT OF 1964

Title VI of the 1964 Civil Rights Act protects all students who attend institutions receiving federal funding from being treated differently based on their actual or perceived race, color, or national origin. 42 U.S.C. § 2000d (“No person in the United States shall, on the ground of race, color, or national origin, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance.”). Title VI bans all discrimination that would violate the Equal Protection Clause. See *Gratz*, 539 U.S. at 276 n.23. The Office of Public Instruction (OPI), all Montana school districts, and the Montana University System are all “recipients” of federal financial assistance.⁵ Recipients must provide, as a condition to approval and extension of any Federal financial assistance, an assurance that the program will be conducted in compliance with all requirements imposed by Title VI. See 34 C.F.R. § 100.4(a).

The Title VI implementing regulations, codified at 34 C.F.R. Part 100, provide that a recipient “may not, directly or through contractual or other arrangements, on ground of race, color, or national origin”:

² The *Grutter* Court, 18 years ago, recognized that the legal justification for the use of race in admissions would dissipate with time. See 539 U.S. at 343 (“We expect that 25 years from now, the use of racial preferences will no longer be necessary to further the interest approved today.”).

³ The Court found it significant that “[t]he attainment of a diverse student body, by contrast, serves values beyond race alone, including enhanced classroom dialogue and the lessening of racial isolation and stereotypes.” *Fisher I*, 570 U.S. at 308.

⁴ *But see Fisher II*, 136 S. Ct. at 2208 (“A university cannot impose a fixed quota or otherwise define diversity as some specified percentage of a particular group merely because of its race or ethnic origin.”).

⁵ Federal assistance to education includes direct grants to State Education Agencies (SEAs), Local Education Agencies (LEAs), universities, and students, and a variety of student loans and loan guarantees. Private colleges and universities accepting federal student loans are also indirect recipients of Federal funding. See *Grove City Coll. v. Bell*, 465 U.S. 555 (1984).

- “Deny an individual any service, financial aid, or other benefit provided under the program” 34 C.F.R. § 100.3(b)(1)(i).
- “Provide any service, financial aid, or other benefit to an individual which is different, or is provided in a different manner, from that provided to others under the program” 34 C.F.R. § 100.3(b)(1)(ii).
- “Subject an individual to segregation or separate treatment in any matter related to his receipt of any service, financial aid, or other benefit under the program” 34 C.F.R. § 100.3(b)(1)(iii).
- “Restrict an individual in any way in the enjoyment of any advantage or privilege enjoyed by others receiving any service, financial aid, or other benefit under the program” 34 C.F.R. § 100.3(b)(1)(iv).
- “Treat an individual differently from others in determining whether he satisfies any admission, enrollment, quota, eligibility, membership or other requirement or condition which individuals must meet in order to be provided any service, financial aid, or other benefit provided under the program” 34 C.F.R. § 100.3(b)(1)(v).
- “Deny an individual an opportunity to participate in the program through the provision of services or otherwise or afford him an opportunity to do so which is different from that afforded others under the program” 34 C.F.R. § 100.3(b)(1)(vi).

Title VI addresses a number of discriminatory actions, including harassment. Racial and national origin harassment is defined as unwelcome conduct based on a student’s actual or perceived race or national origin. *See Racial Incidents and Harassment Against Students: Investigative Guidance*, 59 Fed. Reg. 11448, 11452 (Mar. 10, 1994). Harassers can be students, school staff, or even a visitor to the school, such as a guest speaker, employee of another school, or a parent. *Id.* at 11449. Racial and national origin harassment can take many forms, including slurs, taunts, stereotypes, or name-calling, as well as racially motivated physical threats, attacks, or other hateful conduct.

Title VI is violated if a school fails to respond to racial harassment so severe, pervasive, or persistent, that it constitutes a hostile or abusive educational environment. *See* 59 Fed. Reg. at 11452; *Meritor Sav. Bank v. Vinson*, 477 U.S. 57 (1986) (setting a similar standard for sexual harassment under Title IX) (relying on *Rogers v. EEOC*, 454 F.2d 234, 238 (5th Cir. 1971) (race discrimination can consist of an “environment heavily charged with ethnic or racial discrimination”), *cert. denied*, 406 U.S. 957 (1972); *Harris v. Forklift Sys., Inc.*, 510 U.S. 17 (1993) (reiterating *Meritor* standard); *see also Gray v. Greyhound Lines, East*, 545 F.2d 169, 176 (D.C. Cir. 1976) (noting with approval that EEOC has consistently held that Title VII gives employees the right to a working environment free of racial intimidation). If the harassment would have adversely affected the enjoyment of some aspect of the recipient’s

educational program by a reasonable person of the same age and race as the victim under similar circumstances, then it created a hostile environment. 59 Fed. Reg. at 11449. Whether conduct constitutes a hostile environment must be determined from the totality of the circumstances. *See id.* at 11452 (citing *Harris*, 510 U.S. at 23).

Although Title VI's hostile environment framework draws many of its principles from Title VII of the Civil Rights Act, it should be noted that there are differences between the education and workplace contexts.⁶ When evaluating the severity of racial harassment, for example, the law must account for the unique setting and mission of an educational institution. *See id.* at 11449. This is because an educational institution has a duty to provide a nondiscriminatory environment that is conducive to learning. *Id.* The type of environment that is tolerated or encouraged by or at a school can therefore send a particularly strong signal to, and serve as an influential lesson for, its students. *Id.* Younger, less mature children are generally more impressionable than older students or adults. *Id.* "Particularly for young children in their formative years of development, therefore, severe, pervasive or persistent harassment must be understood in light of the age and impressionability of the students involved and with the special nature and purposes of the educational setting in mind." *Id.*

A school unlawfully discriminates on the basis of race if it has effectively caused, encouraged, accepted, tolerated or failed to correct a racially hostile environment. *Id.* Notably, racial acts need not be targeted at any particular individual in order to create a racially hostile environment. *Id.*; *see also Walker v. Ford Motor Co.*, 684 F.2d 1355, 1358-59 (11th Cir. 1982) (hostile environment established where racial harassment made plaintiff "feel unwanted and uncomfortable in his surroundings," even though it was not directed at him). The harassment also need not result in tangible physical injury or detriment to the victims of the harassment. 59 Fed. Reg. at 11450.

Title VI is enforced in several ways. It is enforced by the U.S. Department of Education's Office for Civil Rights (OCR), which accepts complaints and investigates possible violations. Because Title VI is a spending clause statute, a violating recipient of funds usually enters into an agreement with OCR to remedy the discrimination and avoid the loss of federal funding. Title VI is also enforced by the U.S. Department of Justice Civil Rights Division. Finally, Title VI contains a private right of action, which permits victims of discrimination to seek relief, including monetary damages, in court. *Alexander v. Sandoval*, 532 U.S. 275 (2001) (citing *Cannon v. University of Chicago*, 441 U.S. 677 (1979)).

⁶ Educational settings also have special First Amendment implications. *See, e.g., Healy v. James*, 408 U.S. 169, 180-81 (1972). Part E of this opinion, *infra*, discusses First Amendment concerns as applied to nondiscrimination laws in education.

C. MONTANA LAW

Article II, § 4 of the Montana Constitution provides:

No person shall be denied the equal protection of the laws. Neither the state nor any person, firm, corporation, or institution shall discriminate against any person in the exercise of his civil or political rights on account of race, color, sex, culture, social origin or condition, or political or religious ideas.

MONT. CONST. art. II, § 4. Known as the Individual Dignity Clause, Article II, § 4 “guarantees equal protection of the law to all persons.” *Snetsinger v. Mont. Univ. Sys.*, 104 P.3d 445, 449, 325 Mont. 148, 153 (2004). It “embod[ies] a fundamental principle of fairness: that the law must treat similarly-situated individuals in a similar manner.” *McDermott v. Montana Dep’t of Corr.*, 29 P.3d 992, 998, 305 Mont. 462, 470 (2001); *see also Oberg v. Billings*, 674 P.2d 494, 495, 207 Mont. 277, 280 (1983) (strict scrutiny applies to suspect classifications such as race, color, or national origin).

Montana’s Individual Dignity Clause “provides even more individual protection than the Equal Protection Clause in the Fourteenth Amendment of the United States Constitution.” *Snetsinger*, 104 P.3d at 449 (quoting *Cottrill v. Cottrill Sodding Serv.*, 744 P.2d 895, 897, 229 Mont. 40, 42 (1987) (contrasting language with categories protected by the Fourteenth Amendment)). Notably, the Clause prohibits even *private* actors from discriminating on the basis of race, color, culture, social origin, religion or political ideas. MONT. CONST. art. II, § 4. Montana courts thus “cannot and will not condone the consideration of race or national origin.” *See In re Marriage of Olson*, 194 P.3d 619, 624, 344 Mont. 385, 391 (2008).

The Montana Human Rights Act (MHRA) prevents discrimination on the basis of race, color, or national origin and implements the Individual Dignity Clause. *See Dupuis v. Bd. of Trs.*, 128 P.3d 1010, 1013, 330 Mont. 232, 237 (2006); MONT. CODE ANN. § 49-2-101, *et seq.* The MHRA forbids race discrimination in employment, *id.* § 49-2-101; public accommodations, *id.* § 49-2-304; and housing, *id.* § 49-2-305. The MHRA recognizes hostile work environment claims and closely mirrors federal caselaw. *See Snell v. Mont.-Dakota Utils. Co.*, 643 P.2d 841, 844 198 Mont. 56, 62 (1982) (“The Montana Human Rights Act ... is closely modeled after Title VII, and reference to pertinent federal case law is both useful and appropriate.”); *see also Johnson v. Bozeman Sch. Dist.*, 734 P.2d 209, 213, 226 Mont. 134, 140 (1987) (adopting the Title VII framework from *McDonnell Douglas Corp. v. Green*, 411 U.S. 792 (1973), in MHRA employment claims).

Especially relevant here, the MHRA also prohibits discrimination in education. MONT. CODE. ANN. § 49-2-307. Educational institutions may not “exclude, expel, limit, or otherwise discriminate against an individual seeking admission as a student or an individual enrolled as a student in the terms, conditions, or privileges of the institution” because of race, color, or national origin. *Id.* § 49-2-307(1). They may not “print, publish, or cause to be printed or published a catalog or other notice or advertisement indicating a limitation, specification, or discrimination based on” the race, color, or national origin of an applicant for admission. *Id.* § 49-2-307(3). They also may not “announce or follow a policy of denial or limitation of educational opportunities of a group or its members, through a quota or otherwise, because of race, color ... or national origin.” *Id.* § 49-2-307(4).

Finally, the MHRA prevents the State or any of its political subdivisions from discriminating on the basis of race. *Id.* § 49-2-308(1). The state may not “refuse, withhold from, or deny to a person any local, state, or federal funds, services, goods, facilities, advantages, or privileges” because of race, color, or national origin “unless based on reasonable grounds.” *Id.* § 49-2-308(1)(a). It also may not “publish, circulate, issue, display, post, or mail a written or printed communication, notice, or advertisement which states or implies that any local, state, or federal funds, services, goods, facilities, advantages, or privileges of the office or agency will be refused, withheld from, or denied to a person” on the basis of race, color, or national origin “or that the patronage of a person of a particular race ... color ... or national origin ... is unwelcome or not desired or solicited, unless based on reasonable grounds.” *Id.* § 49-2-308(1)(b).

D. CRITICAL RACE THEORY AND “ANTIRACISM”

Critical Race Theory (“CRT”) began as an academic movement “interested in studying and transforming the relationship among race, racism, and power.”⁷ Its proponents claim that “[i]t’s an approach to grappling with a history of white supremacy⁸ that rejects the belief that what’s in the past is in the past, and that the laws and systems that grow from that past are detached from it.”⁹ CRT “has been used to

⁷ RICHARD DELGADO & JEAN STEFANIC, CRITICAL RACE THEORY: AN INTRODUCTION 2 (2001).

⁸ The term “white supremacy” has been broadened by CRT and Antiracism. See, e.g., Robin DiAngelo on *Educators’ White Fragility*, 76 EDUCATIONAL LEADERSHIP, no. 7, Apr. 2019 (“The term white supremacy certainly includes what we would think of as neo-Nazism or outright racism. But it is also a highly descriptive sociological term for the society we live in, in which all institutions—languages, norms, policies—reflect and affirm white people at the expense of others. It’s the water we’ve been swimming in and we’ve all been shaped by it, consciously or not.”).

⁹ Cady Lang, *President Trump Has Attacked Critical Race Theory. Here’s What to Know About the Intellectual Movement*, TIME MAGAZINE (Sept. 29, 2020) (quoting CRT co-founder Kimberlé Crenshaw), <https://time.com/5891138/critical-race-theory-explained/>. One of CRT’s founders also coined the term “intersectionality.” Katy Steinmetz, *She Coined the Term ‘Intersectionality’ Over 30 Years Ago. Here’s*

examine how institutional racism manifests in instances like housing segregation, bank lending, discriminatory labor practices and access to education.”¹⁰ It has also “helped to develop themes and language to address racism and inequality, such as white privilege, intersectionality and microaggressions, among others.”¹¹ “Critical race theorists attack the very foundations of the liberal legal order, including equality theory, legal reasoning, Enlightenment rationalism and neutral principles of constitutional law.”¹²

A related concept, “antiracism,” has also recently entered the lexicon. The Smithsonian National Museum of African-American History and Culture (NMAAHC) defines “[b]eing antiracist” as “fighting against racism.”¹³ Antiracism’s proponents make clear, however, that “[b]eing an antiracist is much different from just being ‘nonracist.’”¹⁴ The NMAAHC explains:

Being antiracist is different for white people than it is for people of color. For white people, being antiracist evolves with their racial identity development. They must acknowledge and understand their privilege, work to change their internalized racism, and interrupt racism when they see it. For people of color, it means recognizing how race and racism have been internalized, and whether it has been applied to other people of color.¹⁵

This means, according to NMAAHC and others, that “[i]n the absence of making antiracist choices, we (un)consciously uphold aspects of white supremacy, white-dominant culture, and unequal institutions and society.”¹⁶ In other words, an

What It Means to Her Today, TIME MAGAZINE (Feb. 20, 2020), <https://time.com/5786710/kimberle-crenshaw-intersectionality/> (last visited May 24, 2021).

¹⁰ Lang, *supra* note 9.

¹¹ *Id.*

¹² Jeffrey J. Pyle, *Race, Equality and the Rule of Law: Critical Race Theory's Attack on the Promises of Liberalism*, 40 B.C. L. REV. 787, 788 (1999).

¹³ *Being Antiracist*, SMITHSONIAN NAT'L MUSEUM OF AFRICAN AMER. HIST. & CULTURE, <https://nmaahc.si.edu/learn/talking-about-race/topics/being-antiracist> (last visited May 24, 2021).

¹⁴ ANNELESE A. SINGH, RACIAL HEALING HANDBOOK: PRACTICAL ACTIVITIES TO HELP YOU CHALLENGE PRIVILEGE, CONFRONT SYSTEMIC RACISM, AND ENGAGE IN COLLECTIVE HEALING (2019), https://nmaahc.si.edu/sites/default/files/downloads/resources/racialhealinghandbook_p87to94.pdf. (“For White people, becoming an antiracist is a journey that evolves alongside your White racial identity. For instance, once you have moved out of obliviousness about your White privilege, you can move toward integrative awareness of what it means to be White and how to use your White privilege.”).

¹⁵ *Being Antiracist*, SMITHSONIAN NAT'L MUSEUM OF AFRICAN AMER. HIST. & CULTURE, *supra* note 13 (quoting SINGH, *supra* note 14).

¹⁶ *Id.*

individual must accept the premise that—because of race—he or she suffers from internalized racism or its effects *and then* zealously pursue antiracism's deconstructionist ends, or that person is a racist.

One prominent “antiracist” proponent is Ibram X. Kendi, the Director of Boston University's Center for Antiracist Research, and the author of *How to Be an Antiracist*. Kendi was named one of Time Magazine's “100 Most Influential People of 2020.”¹⁷

Another proponent, Robin DiAngelo, the author of another *New York Times* bestseller, *White Fragility: Why It's So Hard for White People to Talk About Racism*, has been described as “perhaps the country's most visible expert in anti-bias training.”¹⁸ The book's publisher describes it as “a must-read for all educators because racial disparities in access and opportunity continue to be an urgent issue in our schools.”¹⁹ DiAngelo asserts that “[w]hite fragility is the defensive reaction that so many white people have when their positions or perspectives around race are questioned.”²⁰ She elaborates:

For a lot of white people, the mere suggestion that being white has meaning will cause great umbrage. Certainly generalizing about white people will. Right now, me saying “white people,” as if our race had meaning, and as if I could know anything about somebody just because they're white, will cause a lot of white people to erupt in defensiveness. And I think of it as a kind of weaponized defensiveness. Weaponized tears. Weaponized hurt feelings. And in that way, I think white fragility actually functions as a kind of white racial bullying.²¹

Antiracism therefore assigns immutable negative characteristics to individuals solely based upon their race or ethnicity. And it manages to frame any philosophical disagreement or objection to this assignment as—you guessed it—racism.

¹⁷ Al Sharpton, *Time 100: Most Influential People 2020: Ibram X. Kendi*, TIME MAGAZINE, <https://time.com/collection/100-most-influential-people-2020/> (last visited May 24, 2021).

¹⁸ Kelefa Sanneh, *The Fight to Redefine Racism*, THE NEW YORKER (Aug. 12, 2019), <https://www.newyorker.com/magazine/2019/08/19/the-fight-to-redefine-racism>.

¹⁹ Valeria Brown, *Discussion Guide for Educators: White Fragility by Robin DiAngelo*, BEACON PRESS, <http://beacon.org/assets/pdfs/DiAngelo-EducatorsProfDevGuide.pdf>.

²⁰ Mary Jo Madda, *White Fragility in Teaching and Education: An Interview With Dr. Robin DiAngelo*, EDSURGE (Aug. 23, 2018), <https://www.edsurge.com/news/2018-08-23-white-fragility-in-teaching-and-education-an-interview-with-dr-robin-diangelo>.

²¹ Adrienne Van Der Valk & Anya Malley, *What's My Complicity? Talking White Fragility With Robin DiAngelo*, 62 LEARNING FOR JUST, Summer 2019, <https://www.learningforjustice.org/magazine/summer-2019/whats-my-complicity-talking-white-fragility-with-robin-diangelo>.

But accepting antiracism's premises is only half the program. To avoid being racist, one must also affirmatively participate in antiracism's prescribed social action:

We can be led to believe that racism is only about individual mindsets and actions, yet racist policies also contribute to our polarization. While individual choices are damaging, racist ideas in policy have a widespread impact by threatening the equity of our systems and the fairness of our institutions. To create an equal society, we must commit to making unbiased choices and being antiracist in all aspects of our lives.²²

The driving force behind CRT and antiracism is the complete and total acceptance of a specific worldview—one that encompasses very specific notions about history, philosophy, sociology, and public policy. Being a so-called “antiracist” requires individuals to accept these premises and advocate for specific policy proposals. Individuals who do not comply cannot truly be “antiracist,” and are, therefore, considered racist.

By its own terms, antiracism excludes individuals who merely advocate for the neutral legal principles of the Constitution, or who deny or question the extent to which white supremacy continues to shape our institutions. To that end, no one can be antiracist who does not act to eliminate the vestiges of white supremacy, i.e., embrace the specific public policy proposals of CRT and antiracism. For example, critics have suggested that there is one, and only one, correct stance on standardized testing, drug legalization, Medicare for All, and even the capital gains tax rate.²³

This paradigm is conveniently constructed “like a mousetrap.”²⁴ Disagreement with any aspect becomes irrefutable evidence of its premises of systemic racism, bias, fragility, or white supremacy. In short, it is a conclusion in search of a methodology—one that eschews the bedrock principles of natural justice and abdicates fundamental concepts such as individual agency and autonomy.

CRT and antiracism are not merely academic ideas confined to university critical studies courses. These ideologies have begun to infiltrate mainstream American dialogue and permeate our institutions. It has been embraced by corporations,²⁵

²² *Being Antiracist*, SMITHSONIAN NAT'L MUSEUM OF AFRICAN AMER. HIST. & CULTURE, *supra* note 13.

²³ Max Eden, *'Anti-Racist' education is anything but*, AMER. ENTERP. INST. (Sept. 1, 2020) (citing IBRAM KENDI, *HOW TO BE AND ANTIRACIST* (2019)), <https://www.aei.org/op-eds/anti-racist-education-is-any-thing-but/>.

²⁴ Christopher F. Rufo, *Critical Race Theory: What It Is and How to Fight It*, 50 IMPRIMIS, vol. 3, Mar. 2021, <https://imprimis.hillsdale.edu/critical-race-theory-fight/>.

²⁵ Daniel Bergner, *'White Fragility' Is Everywhere. But Does Antiracism Training Work?*, N.Y. TIMES (July 15, 2020), <https://www.nytimes.com/2020/07/15/magazine/white-fragility-robin-diangelo.html>.

government organizations, classrooms,²⁶ and even late-night television.²⁷ Public schools have used taxpayer dollars to pay for "antiracism" programming.²⁸ Cornell, UC Berkeley, and a large contingent of major universities featured antiracism work on their summer reading lists. Even the National Park Service offers lesson plans and discussion guides for teachers on *How to Be an Antiracist*.²⁹ *White Fragility* has a "Discussion Guide for Educators."³⁰

One major aspect of antiracism programming involves activities which separate students, teachers, or employees by race. For example, the Evanston/Skokie, IL school district instituted antiracist curriculum and education, which resulted in (1) separating administrators in a professional development training program into two groups based on race—white and non-white; (2) offering various "racially exclusive affinity groups" that separated students, parents and community members by race; (3) implementing a disciplinary policy that included "explicit direction" to staffers to consider a student's race when meting out discipline; and (4) carrying out a "Colorism Privilege Walk" that separated seventh and eighth grade students into different

("DiAngelo's inbox was flooded with ... requests to deliver ... workshops and keynotes at Amazon, Nike, Under Armour, Goldman Sachs. The entreaties went on: Facebook, CVS, American Express, Netflix.").

²⁶ See, e.g., *For Faculty and Staff: White Fragility Discussion Group*, UNIVERSITY OF MASSACHUSETTS-AMHERST (Jan. 19, 2021), <https://www.umass.edu/sphhs/news-events/events-calendar/faculty-and-staff-white-fragility-discussion-group>; *The novel "White Fragility" is pulled from a Choctawhatchee High English class*, NW FLA. DAILY NEWS (Oct. 8, 2020), <https://www.nwfdailynews.com/story/news/2020/10/08/okaloosa-school-district-pulls-white-fragility-out-class/5929349002/>; *Millard principals will read 'White Fragility' as district has conversations on race*, OMAHA WORLD-HERALD (July 13, 2020), https://omaha.com/news/education/millard-principals-will-read-white-fragility-as-district-has-conversations-on-race/article_0925f605-4528-5be5-a4a2-725ba022596b.html; *White Fragility. What it Looks Like in Schools*, NATIONAL EDUCATION POLICY CENTER NEWSLETTER (Oct. 1, 2019), [https://nepc.colorado.edu/sites/default/files/publications/Newsletter%20thomas 0.pdf](https://nepc.colorado.edu/sites/default/files/publications/Newsletter%20thomas%200.pdf).

²⁷ THE TONIGHT SHOW WITH JIMMY FALLON (June 17, 2020), available at <https://www.youtube.com/watch?v=rZfiSiTHVqA> (Interview with Robin DiAngelo).

²⁸ See, e.g., *Fairfax County schools defending \$20K presentation from anti-racism scholar*, FOX5DC.COM (Sept. 20, 2020), <https://www.fox5dc.com/news/fairfax-county-schools-defending-20k-presentation-from-anti-racism-scholar> ("The Fairfax County school district is defending its decision to pay \$20,000 for an author who spoke to its administration and school leaders about racism for one hour.... The district says it was a timely topic selected by the staff – but it comes at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students.").

²⁹ "How to Be an Antiracist" Book Club, NATIONAL PARK SERVICE: EDUCATION MATERIALS, <https://www.nps.gov/teachers/classrooms/-how-to-be-an-antiracist-book-club.htm> (last visited May 24, 2021).

³⁰ Brown, *Discussion Guide for Educators*, *supra* note 19.

groups based on race.³¹ Schools have even proposed separate housing and advisors based on race,³² separate grading policies,³³ and separate professional development training.³⁴

This programming also focuses on the concepts of “whiteness” and “white identity.”³⁵ DiAngelo’s *White Fragility* claims a positive white identity is an impossible goal. Corporate diversity trainings reportedly now instruct employees to “be less white.”³⁶ Seattle’s Office of Civil Rights—ironically—conducted a race and social justice training for employees that required white employees to examine their

³¹ Carl Campanile, *US Dept. of Education curbs decision on race-based ‘affinity groups’*, N.Y. POST (Mar. 7, 2021), <https://nypost.com/2021/03/07/education-dept-curbs-decision-on-race-based-affinity-groups/>; see also Ben Zeisloft, *Tulane hosts anti-racism teach-in with profs divided by race*, CAMPUS REFORM (May 3, 2021), <https://campusreform.org/article?id=17344>; Benjamin Fearnow, *Minnesota College Sparks Backlash With Anti-Racist ‘Struggle Sessions’ Segregated by Race*, NEWSWEEK (Apr. 19, 2021), <https://www.newsweek.com/minnesota-college-sparks-backlash-anti-racist-struggle-sessions-segregated-race-1584776>.

³² Ben Zeisloft, *U Kentucky creates two RA groups: ‘One for RAs who identify as Black...one for RAs who identify as White’*, CAMPUS REFORM (Oct. 29, 2020), <https://www.campusreform.org/article?id=16034>.

³³ “Antiracist” Grading Starts with You, Vol. 78 EDUCATIONAL LEADERSHIP, no. 1, Sept. 2020, at 12-13, <http://www.ascd.org/publications/educational-leadership/sept20/vol78/num01/%C2%A3Antiracist%C2%A3-Grading-Starts-with-You.aspx> (“The idea of what is successful at school is still very much constructed through an able-bodied, monied, aggressively competitive white male lens.”); *UCLA Removes Lecturer for Questioning Proposal to Give Black Students Preferential Grading*, THE COLLEGE FIX (June 5, 2020), www.thecollegefix.com/ucla-removes-lecturer-for-questioning-proposal-to-give-black-students-preferential-grading/.

³⁴ Kathianne Boniello and Susan Edelman, *NYC teachers segregated by race for ‘affinity groups’ amid protests*, N.Y. POST (June 20, 2020), <https://nypost.com/2020/06/20/nyc-teachers-segregated-by-race-for-affinity-groups-amid-protests/> (the New York Department of Education’s Early Childhood Division reportedly sponsored an “anti-racist Community Meeting” where teachers were segregated into discussion groups based on skin color, race and ethnicity); Bettina Love, *White Teachers Need Anti-Racist Therapy*, EDUCATION WEEK, (Feb. 6, 2020).

³⁵ SINGH, *supra* note 14 (“For White people, becoming an antiracist is a journey that evolves alongside your White racial identity. For instance, once you have moved out of obliviousness about your White privilege, you can move toward integrative awareness of what it means to be White and how to use your White privilege.”), https://nmaahc.si.edu/sites/default/files/downloads/resources/racialhealing-handbook_p87to94.pdf; Bettina Love, *White Teachers Need Anti-Racist Therapy*, EDUCATION WEEK, (Feb. 6, 2020), <https://www.edweek.org/teaching-learning/opinion-white-teachers-need-anti-racist-therapy/2020/02> (“White teachers need a particular type of therapy. They must learn how to deal with what Cheryl E. Matias calls ‘White emotionalities’ and what Robin DiAngelo has termed ‘White fragility.’”).

³⁶ See, e.g., Lia Eustachewich, *Coca-Cola slammed for diversity training that urged workers to be ‘less white’*, N.Y. POST (Feb. 23, 2021), <https://nypost.com/2021/02/23/coca-cola-diversity-training-urged-workers-to-be-less-white/>.

“relationships with white supremacy, racism, and white-ness.”³⁷

In education, op-eds in major publications assert that schools “need therapists who specialize in the healing of teachers and the undoing of Whiteness in education.”³⁸ One North Carolina school district reportedly launched a campaign against “whiteness in educational spaces.”³⁹ The Evanston/Skokie school district reportedly assigned the book, *Not My Idea: A Book About Whiteness*, where parents are asked to quiz their children on whiteness and give them approachable examples of “how whiteness shows up in school or in the community.”⁴⁰ Schools have told parents to “reflect on their whiteness.”⁴¹ Some schools have set up “whiteness accountability” spaces on campus.⁴² Campus lectures on antiracism focus on recovering from being white⁴³ or changing what it means to be white.⁴⁴ And some universities have even allegedly forced employees to apologize for being white.⁴⁵

³⁷ Christopher F. Rufo, *Seattle Office of Civil Rights Training on “Internalized Racial Superiority for White People,”* CHRISTOPHERRUFO.COM (Jul. 29, 2020), <https://christopherrufo.com/separate-but-equal/>.

³⁸ Love, *supra* note 35.

³⁹ Christopher F. Rufo, *Subversive Education*, CITY JOURNAL (Mar. 17, 2021), <https://www.city-journal.org/critical-race-theory-in-wake-county-nc-schools>.

⁴⁰ Conor Friedersdorf, *What Happens When a Slogan Becomes the Curriculum*, THE ATLANTIC (Mar. 14, 2021), <https://www.theatlantic.com/ideas/archive/2021/03/should-black-lives-matter-agenda-be-taught-school/618277/>.

⁴¹ Selim Algar and Kate Sheehy, *NYC public school asks parents to ‘reflect’ on their ‘whiteness’*, N.Y. POST (Feb. 16, 2021), <https://nypost.com/2021/02/16/nyc-public-school-asks-parents-to-reflect-on-their-whiteness/>.

⁴² See, e.g., Dion J. Perry, *Humboldt State hosts ‘Whiteness Accountability Space’ so ‘White folks’ can address their ‘anti-Blackness’*, CAMPUS REFORM (Mar. 25, 2021), <https://www.campusreform.org/article?id=17128>; Anti-racism and White Accountability, COUNSELING CENTER, LOYOLA UNIVERSITY MARYLAND, <https://www.loyola.edu/departments/counseling-center/social-justice/anti-racism-white-accountability> (last visited May 20, 2021) (establishing “white accountability spaces” on campus and stating “[w]e feel it is important to highlight the need for white individuals to take an anti-racist stand and hold each other accountable.”).

⁴³ *University of Minnesota Offers Lecture to ‘Recover’ From Being White*, THE COLLEGE POST (Oct. 21, 2020), <https://thecollegepost.com/university-of-minnesota-whiteness/>.

⁴⁴ Christopher F. Rufo, *Racism in the Cradle*, CITY JOURNAL (Mar. 2, 2021), <https://christopherrufo.com/racism-in-the-cradle/> (Arizona Education Department recommended reading claims that “all white people are white in the context of a society that continues to disadvantage people of color based on race” and teaches schools how to “change what it means to be white” and inculcate an “antiracist white identity.”).

⁴⁵ Mike Brake, *Does OU diversity training violate federal labor law?*, OKLAHOMA COUNCIL OF PUB. AFFAIRS (Feb. 4, 2021), <https://www.ocpathink.org/post/does-ou-diversity-training-violate-federal-labor-law> (noting “some universities have already faced lawsuits for diversity programs where “they make people get down on the floor and apologize for being white”).

On the Smithsonian NMAAHC's page dealing with "Whiteness," it asserted at one point that traits such as "individualism," "hard work," "objectivity," "progress," "politeness," "decision-making," and "delayed gratification" as hallmarks of "white culture."⁴⁶ Training materials from Argonne National Laboratories, a Federal entity, stated that racism "is interwoven into every fabric of America" and described statements like "color blindness" and the "meritocracy" as "actions of bias."⁴⁷

I would like to note that all of these traits identified above, far from being hallmarks of merely "white culture," are in fact important hallmarks of a virtuous and productive colorblind society. None of them, however, have any connection to "whiteness" or "white identity." They are self-evident virtues—universally applicable to and shared by people of all races, colors, creeds, and national origins. Because men and women are created equal, they can all equally appreciate and adopt those values.

One popular trope revolves around the idea that all white people are inherently racist or share collective culpability for the past transgressions against non-whites. *White Fragility* contains assertions such as "White identity is inherently racist."⁴⁸ The Arizona Department of Education created an "equity" toolkit claiming that babies show the first signs of racism at only three months old, and that white children soon after become full racists—"strongly biased in favor of whiteness."⁴⁹ Buffalo, NY Public Schools reportedly teaches students that "all white people" perpetuate systemic racism.⁵⁰ San Diego Public Schools accused white teachers of being "colonizers" on stolen Native American land, instructed them that they are racist and upholding racist ideas, structures, and policies, and recommended that the teachers undergo "antiracist therapy."⁵¹ A Cupertino, CA elementary school forces third-graders to deconstruct their racial and sexual identities, rank themselves according to their "power and privilege," and then separate the children into "oppressors and

⁴⁶ Frederick M. Hess & RJ Martin, *Smithsonian Institution Explains that 'Rationality' & 'Hard Work' are Racist*, REALCLEARPOLICY (July 20, 2020), https://www.realclearpolicy.com/articles/2020/07/20/smithsonian_institute_explains_that_rationality_and_hard_work_are_racist_499425.html.

⁴⁷ Exec. Order No. 13950, 85 Fed. Reg. 60683, 60684 (Sept. 28, 2020).

⁴⁸ ROBIN DIANGELO, *WHITE FRAGILITY: WHY IT'S SO HARD FOR WHITE PEOPLE TO TALK ABOUT RACISM* (2018).

⁴⁹ Rufo, *Racism in the Cradle*, *supra* note 44.

⁵⁰ Christopher F. Rufo, *Fail Factor*, CITY JOURNAL (Feb. 23, 2021), <https://www.city-journal.org/buffalo-public-schools-critical-race-theory-curriculum>.

⁵¹ Christopher F. Rufo, *Radicals in the Classroom*, CITY JOURNAL (Jan. 5, 2021), <https://www.city-journal.org/radicalism-in-san-diego-schools>.

oppressed.⁵² Seattle's Office for Civil Rights training reported required white employees explain how their "[families] benefit economically from the system of white supremacy even as it directly and violently harms Black people."⁵³ The U.S. Department of the Treasury held a seminar that promoted arguments that "virtually all White people, regardless of how 'woke' they are, contribute to racism."⁵⁴

Another major theme of antiracism programming revolves around the concept of "privilege," and specifically "white privilege."⁵⁵ Training materials from Sandia National Laboratories, a Federal entity, stated that an emphasis on "rationality over emotionality" was a characteristic of "white male[s]," and asked those present to "acknowledge" their "privilege" to each other.⁵⁶ A lawsuit in Nevada alleges that a public school gave a student a failing grade in his "Sociology of Change" course and threatened to prevent him from graduating because he refused to confess his privilege openly as demanded by the school, the course curriculum, and the teacher.⁵⁷ (The federal judge announced that the student was likely to succeed in his lawsuit.) One public school course allegedly obligated students to label white, male, Christian, and heterosexual identities as inherently oppressive and privileged because of their social dominance.⁵⁸

Before turning to the legal analysis, I note the challenge of dealing with terms like "antiracism"—which are susceptible to different and evolving meanings. For example, the CRT and "antiracism" movements demonstrate that although "racism" is widely understood and accepted as an epithet, it encompasses vastly different meanings for different people.⁵⁹ The gravamen of CRT and antiracism's theories, however,

⁵² Christopher F. Rufo, *Woke Elementary*, CITY JOURNAL (Jan. 13, 2021) <https://www.city-journal.org/identity-politics-in-cupertino-california-elementary-school>.

⁵³ Christopher F. Rufo, *Seattle Office of Civil Rights Training on "Internalized Racial Superiority for White People"*, CHRISTOPHERRUFO.COM (July 29, 2020), <https://christopherrufo.com/separate-but-equal/>.

⁵⁴ Exec. Order No. 13950, 85 Fed. Reg. at 60684.

⁵⁵ See, e.g., *Talking About Race: Whiteness*, SMITHSONIAN NAT'L MUSEUM OF AFRICAN AMER. HIST. & CULTURE, <https://nmaahc.si.edu/learn/talking-about-race/topics/whiteness> (last visited May 19, 2021) ("Since white people in America hold most of the political, institutional, and economic power, they receive advantages that nonwhite groups do not. These benefits and advantages, of varying degrees, are known as white privilege. For many white people, this can be hard to hear, understand, or accept - but it is true. If you are white in America, you have benefited from the color of your skin.")

⁵⁶ Exec. Order No. 13950, 85 Fed. Reg. at 60684.

⁵⁷ Joshua Dunn, *Critical Race Theory Collides with the Law*, ED. NEXT (May 19, 2021), <https://www.educationnext.org/critical-race-theory-collides-with-law/>.

⁵⁸ *Id.*

⁵⁹ See also Fabiola Cineas, *Merriam-Webster has a new definition of "racism"*, VOX (June 11, 2020), <https://www.vox.com/identities/2020/6/10/21286656/merriam-webster-racism-definition>.

rely on the popular shibboleths of “systemic,” “institutional,” or “structural” racism. A minimal investigation into these claims exposes them as hollow rhetorical devices devoid of any legally sufficient rationale for purposes of civil rights law, as well as a threat to stability of our institutions.

There is no better example of this than the September 2020 open letter from Christopher Eisgruber, President of Princeton University, admitting that his institution is and for decades has been “racist.”⁶⁰ He notoriously alleged “[r]acism and the damage it does to people of color persist at Princeton as in our society, sometimes by conscious intention but more often through unexamined assumptions and stereotypes, ignorance or insensitivity, and the systemic legacy of past decisions and policies.”⁶¹ He further admitted that “[r]acist assumptions ... remain embedded in structures of the University itself.”⁶² The U.S. Department of Education was rightly alarmed by these serious revelations and immediately opened an investigation into the racism at Princeton.⁶³ Particularly concerning was that Princeton might have repeatedly made knowingly false assurances regarding nondiscrimination and equal opportunity to the Department in exchange for federal monies, not to mention similar statements to students, parents, and consumers.⁶⁴

In the face of this investigation, however, Princeton responded that—although it is systemically, institutionally, and structurally racist—it does not actually commit discrimination in violation of federal law.⁶⁵ Despite its claims that widespread racism permeated throughout every aspect of campus, it asserted that no one employed by the University had engaged in or was engaging in any discrimination on the basis of race, color, or national origin. The Department concluded its investigation by stating that President Eisgruber “knowingly and intentionally spoke falsely, making a

⁶⁰ Princeton Univ. Office of Commc'ns, Letter from President Eisgruber on the University's efforts to combat systemic racism (Sept. 2, 2020) (“Eisgruber Letter”), <https://www.princeton.edu/news/2020/09/02/letter-president-eisgruber-universitys-efforts-combat-systemic-racism>. See also *Northwestern University's interim dean admits to being a 'racist' during digital town hall*, WASH. EXAMINER (Sept. 1, 2020) (Northwestern University Law School's Dean and other faculty members admitting to being racists during a townhall meeting), <https://www.washingtonexaminer.com/news/northwestern-universitys-interim-dean-admits-to-being-a-racist-during-digital-town-hall>.

⁶¹ Eisgruber Letter, *supra* note 60.

⁶² *Id.*

⁶³ Letter from Robert King, Assistant Secretary for Postsecondary Education to Christopher Eisgruber, President, Princeton University (Sept. 16, 2020), <https://www.princeton.edu/sites/default/files/documents/2020/09/Princeton-Letter-9-16-20-Signed.pdf>.

⁶⁴ *Id.*

⁶⁵ Letter from Thomas Perrelli, Counsel for Princeton University, to U.S. Dep't of Educ. at 1 (Oct. 21, 2020).

factually baseless ritual confession and not an empirically grounded description of campus reality.”⁶⁶

Admissions such as these may be good faith efforts—albeit misguided ones—to address societal problems or respond to students’ concerns. But in practice, they are used as a pretext to justify intentional discrimination against individuals on the basis of race. By conceding antiracism’s threshold propositions, institutions obtain cover to discriminate in the service of particular public policy goals. Tempting as that may be for some institutions, our legal order functions as a bulwark against such actions.

E. ANALYSIS AND CONCLUSIONS OF LAW

Eradicating race discrimination is a legitimate and worthy goal. All Montana governmental entities can and must work to prevent discrimination prohibited by the Equal Protection Clause, Title VI, the Montana Constitution, the MHRA, and (where applicable) Title VII. These laws protect everyone from unlawful discrimination and symbolize our nation’s serious commitment to its ideals. It should be no surprise therefore that these legal safeguards cannot allow race-based discrimination, even when it comes disguised as antiracist remedial measures. *See Adarand*, 515 U.S. at 240 (Thomas, J., concurring) (“[T]here is a moral [and] constitutional equivalence between laws designed to subjugate a race and those that distribute benefits on the basis of race in order to foster some current notion of equality. Government cannot make us equal; it can only recognize, respect, and protect us as equal before the law.”) (quotations omitted). I conclude, therefore, that key elements of Critical Race Theory and so-called “antiracism” education and training, when used to classify students or other Montanans by race, violate the Equal Protection Clause, Title VI, Montana’s Individual Dignity Clause, and the MHRA.

The term “antiracism” appears reasonable and innocuous on its face. After all, our Constitution, our laws, and nearly all our citizens are “antiracism.” But “antiracism,” as a name for Kendi’s and DiAngelo’s all-encompassing worldview, is an Orwellian rhetorical weapon.⁶⁷ It does not simply mean the opposition of differential treatment based on race. According to Kendi’s *How to Be an Antiracist*, “[t]he only remedy to racist discrimination is antiracist discrimination. The only remedy to past

⁶⁶ Letter from Reed Rubinstein, U.S. Dep’t of Ed. General Counsel to Christopher Eisgruber, President, Princeton University (Jan. 13, 2021), <https://www2.ed.gov/about/offices/list/ocr/correspondence/stakeholders/20210113-investigation-of-princeton-university.pdf>.

⁶⁷ “At times, anti-racist excess shades over into the literally Orwellian, such as when Brooklyn College professor of math education Laurie Rubel insists that declaring ‘2 + 2 = 4’ is nothing more than ‘white supremacist patriarchy.’” Frederick Hess, ‘Anti-racist’ education is neither, THE AMERICAN MIND (Dec. 18, 2020), <https://www.aei.org/articles/anti-racist-education-is-neither/>.

discrimination is present discrimination ... The only remedy to present discrimination is future discrimination.” As I discuss in greater detail below, Kendi’s description is correct: antiracism demands race-based discrimination.

But first let me state the obvious. Committing racial discrimination in the name of ending racial discrimination is both illogical and illegal. *See Parents Involved*, 551 U.S. at 748 (plurality opinion) (“The way to stop discrimination on the basis of race is to stop discriminating on the basis of race.”); *Fisher I*, 570 U.S. at 330 (Thomas, J. concurring) (“[T]he lesson of history is clear enough: Racial discrimination is never benign.”); *see also Metro Broad. v. FCC*, 497 U.S. 547, 610 (1990) (O’Connor, J., dissenting) (“[B]enign’ carries with it no independent meaning, but reflects only acceptance of the current generation’s conclusion that a politically acceptable burden, imposed on particular citizens on the basis of race, is reasonable.”).

To assist schools and other governmental entities with compliance, what follows is a list of widely reported “antiracist” and CRT-related activities that I conclude violate federal and state law. Though hostile environment claims are based on the totality of the circumstances and will likely depend on a particular case’s facts, I have identified several bright line rules. They fall under three prohibited categories (which often overlap): racial segregation, race stereotyping, and race scapegoating. These concepts violate civil rights laws because they constitute racial harassment and/or require authority figures to engage in activities that result in different treatment on the basis of race.

As discussed, *infra*, there are legitimate pedagogical uses for elements of the CRT/antiracism curricula that do not violate state or federal law. Some aspects raise no legal concerns. Some only raise legal concerns when mandated or applied in a way that is discriminatory. And some may not be discriminatory without other elements contributing to a hostile environment under the circumstances. There are also aspects of the curricula that may be expressly protected by the First Amendment. This opinion, therefore, should not be construed to limit a school or government entity’s ability to use, present, or discuss these materials, where appropriate. But the law will not tolerate schools, other government entities, or employers implementing CRT and antiracist programming in a way that treats individuals differently on the basis of race or that creates a hostile environment.

It should go without saying that segregating students in any capacity on the basis of race blatantly violates the Equal Protection Clause and Title VI. *See Brown*, 347 U.S. at 495; *Parents Involved*, 551 U.S. at 778 (Thomas, J., concurring) (“What was wrong in 1954 cannot be right today.”). A school’s programs and activities must be open to all students, regardless of race. This extends to every aspect of a school’s program or activity, including classes, seminars, lectures, trainings, athletics, clubs, orientations, award ceremonies, graduations, or other meetings. This includes

segregation that occurs in a virtual or online format. Schools also may not offer housing, counseling, mentoring, liaisons, or networking in a way that favors or excludes individuals on the basis of race. Schools may not discourage members of any race from participating in any particular program or activity, or allow students or staff to be excluded on the basis of race. Schools also may not create “safe spaces” that admit or exclude individuals on the basis of race. This includes segregating students or administrators in a professional development training into groups on the basis of race.

Schools may not use race when administering their academic programs. This includes grading students differently or apply different grading criteria to students based on race. Neither schools nor instructors nor guest speakers may have students participate in class or complete assignments on the basis of their race. Schools also may not discipline students differently on the basis of race. Other government entities and employers, similarly, may not segregate employees on the basis of race or treat them differently on the basis of race.

Government entities may not engage in racial stereotyping, which means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or to an individual because of his or her race. *See Parents Involved*, 551 U.S. at 797 (Kennedy, J., concurring) (“Under our Constitution the individual, child or adult, can find his own identity, can define her own persona, without state intervention that classifies on the basis of his race or the color of her skin.”); *Miller v. Johnson*, 515 U.S. 900, 927 (1995) (“If our society is to continue to progress as a multiracial democracy, it must recognize that the automatic invocation of race stereotypes retards that progress and causes continued hurt and injury.”) (quoting *Edmonson v. Leesville Concrete Co.*, 500 U.S. 614, 630-631 (1991)); *Powers v. Ohio*, 499 U.S. 400, 410 (1991) (“We may not accept as a defense to racial discrimination the very stereotype the law condemns”); *cf. Miller*, 515 U.S. at 912 (“When the State assigns voters on the basis of race, it engages in the offensive and demeaning assumption that voters of a particular race, because of their race, think alike, share the same political interests, and will prefer the same candidates at the polls.”) (quotations omitted); *Fisher I*, 570 U.S. at 308 (noting that one purpose of encouraging student body diversity was the “lessening of racial isolation and stereotypes.”).

Prohibited race stereotyping includes all exercises that ascribe specific characteristics or qualities to all members of a racial group, particularly when participation in such exercises is compulsory or acceptance of certain stereotypes is required as part of the grading criteria. Schools, other government, entities, and employers may not use materials that assert that one race is inherently superior or inferior to another. Individuals may not be forced participate in “privilege walks” that treat students differently based on race. Individuals may not be forced to admit privilege or punished for failing to do so. Members of certain races cannot be forced to “reflect,”

“deconstruct,” or “confront” their racial identities or be instructed to be “less white” (or less of any other race, ethnicity, or national origin).

Schools are similarly not permitted to ask that certain students engage, or not engage, with the class in a specific manner based on race. Public employers may not use similar tactics for mandatory trainings.

Government entities also may not engage in “race scapegoating,” which means assigning fault, blame, or bias to a race or to members of a race because of their race. *See Miller*, 515 U.S. at 911 (“At the heart of the Constitution's guarantee of equal protection lies the simple command that the Government must treat citizens as individuals, not as simply components of a racial, religious, sexual or national class.”) (quotations omitted). This encompasses any claim that, consciously or unconsciously, and by virtue of his or her race, members of any race are inherently racist or are inherently inclined to oppress others, including separating students into “oppressors” and “oppressed” based on race. Examples consist of instructing students that all white people perpetuate systemic racism or that all white people are born racist. This also includes asserting that an individual’s moral character is necessarily determined by his or her race or that individuals need to be “accountable” due solely to their race, or that they are “culpable” solely due to their race. Individuals may not be instructed or compelled to apologize for their race or forced to admit privilege based on their race. It is illegal, likewise, to advocate that a particular race is negative or evil. It is also illegal for curricula to instruct student that members of a particular race or racial identity pose specific dangers to other individuals.

Additionally, a school that permits, promotes, or endorses curricula or pedagogical methods that tell an individual that he or she should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, almost certainly creates a racially hostile environment. *See* 59 Fed. Reg. at 11453 (citing *Gilbert v. Little Rock*, 722 F.2d 1390, 1394 (8th Cir. 1983) (environment “which significantly and adversely affects the psychological well-being of an employee because of his or her race” is enough to constitute title VII violation); *Bundy v. Jackson*, 641 F.2d 934, 943-45 (D.C. Cir. 1981) (protection against race and sex discrimination extends to “psychological and emotional work environment”)).

A school may not advocate that students adopt specific beliefs based on their race, such as urging that white students be white without signing on to whiteness. Schools may not attempt to purge the idea of “whiteness” (or any other race) from schools. Any curricula or activity that pressures members of a certain race to repudiate or “recover from” their race is illegal as well. This includes instructing members of a particular race or races that they must “re-wire” or change themselves.

These actions are discriminatory. *See Missouri v. Jenkins*, 515 U.S. 70, 120-

121 (1995) (Thomas, J., concurring) (“At the heart of [Equal Protection] lies the principle that the government must treat citizens as individuals, and not as members of racial, ethnic, or religious groups.”). They are equally insidious when applied to any race. *Parents Involved*, 551 U.S. at 797 (Kennedy, J., concurring) (Racial labels, whether state-mandated or state-sponsored, are “inconsistent with the dignity of individuals in our society.”); *see also* Letter from Peter Kirsanow, Comm’r, U.S. Civil Rights Comm’n, to Jenny A. Durkan, Mayor of Seattle, Washington, regarding “Internalized Racial Superiority for White People” (Aug. 31, 2020) (“Kirsanow Letter”) (“[w]hen in doubt whether a statement is racist [or just plain dumb] try substituting a race different from that in your original sentence.”). Trainings and programming like that discussed above perpetuate and glorify racial stereotypes and division. This upside-down ideology may be fashionable with the armchair revolutionaries in academia, but its compulsions have no place in our governmental, educational, and employment settings.

It is constitutionally insufficient that proponents of CRT and “antiracism” may possess the laudable goal of ending racism and its effects. *See Parents Involved*, 551 U.S. at 743 (plurality opinion) (“Simply because the school districts may seek a worthy goal does not mean they are free to discriminate on the basis of race to achieve it, or that their racial classifications should be subject to less exacting scrutiny.”); *Fisher I*, 570 U.S. at 328 (Thomas, J., concurring) (“The worst forms of racial discrimination in this Nation have always been accompanied by straight-faced representations that discrimination helped minorities.”); *see also* Kirsanow Letter, *supra* (“There’s no exception in Title VII that says, ‘unless you have good intentions’ ... Segregation is still prohibited in 2020.”). The Supreme Court, as discussed, has only recognized the use of race in two narrow circumstances—neither of which make room for the compulsions of CRT and antiracism theories. These assertions, moreover, may not be used as a pretext to discriminate against individuals based on race.

Finally, I would like to briefly discuss one important aspect of this issue in the educational context. Federal and state civil rights laws protect students from prohibited discrimination, but they are not intended to restrict expressive activities or speech protected under the First Amendment. There are numerous bad ideas⁶⁸ and fraudulent curricula⁶⁹ that do not violate civil rights laws. Nothing in this opinion

⁶⁸ *E.g.*, KARL MARX, THE COMMUNIST MANIFESTO (1848).

⁶⁹ For example, the *New York Times*’ 1619 Project has been debunked by historians across the spectrum. *See Letter to the Editor: We Respond to the Historians Who Critiqued The 1619 Project*, N.Y. TIMES (Dec. 29, 2019) (“[W]e are dismayed at some of the factual errors in the project and the closed process behind it. These errors, which concern major events, cannot be described as interpretation or ‘framing.’ They are matters of verifiable fact, which are the foundation of both honest scholarship and honest journalism. They suggest a displacement of historical understanding by ideology.”). This curriculum is nonetheless protected by the First Amendment and it is reserved for policymakers to decide if it belongs in classrooms.

shall be construed to restrict any expressive activities protected under the U.S. Constitution, including academic freedom or student political speech. *See, e.g., Keyishian v. Bd. of Regents*, 385 U.S. 589 (1967).⁷⁰ Thus, when evaluating whether antidiscrimination protections threaten to chill the teaching of curricula that may offer great value to students, First Amendment caselaw takes into account a school's legitimate pedagogical interest in explaining and effectively and lawfully addressing racism. *See Arce v. Douglas*, 793 F.3d 968, 985 (9th Cir. 2015). Hostile environment caselaw, similarly, takes the totality of the circumstances into account, including the age of the student. *See* 59 Fed. Reg. at 11449, 11452; *Harris*, 510 U.S. at 23. CRT and antiracist *ideas* may be bandied about like any others. Let the marketplace of ideas be the judge. I predict it will not be kind. This opinion concerns race-based treatment, classifications, and compulsions that arise from CRT and antiracism theory.

Finally, government entities such as public schools, public colleges and universities, and government agencies are subject to the First Amendment. The First Amendment prevents the government from restricting protected speech, but it also prevents compelled speech. *W. Va. State Bd. of Educ. v. Barnette*, 319 U.S. 624, 637 (1943). “[F]reedom of speech ‘includes both the right to speak freely and the right to refrain from speaking at all.’” *Janus v. AFSCME, Council 31*, 138 S. Ct. 2448, 2463 (2018) (quoting *Wooley v. Maynard*, 430 U.S. 705, 714 (1977) (invalidating state requirement that motorists display passenger vehicle license plates bearing motto “Live Free or Die”)). As the Court famously said in *Barnette*, “[i]f there is any fixed star in our constitutional constellation, it is that no official, high or petty, can prescribe what shall be orthodox in politics, nationalism, religion, or other matters of opinion or force citizens to confess by word or act their faith therein.” *Barnette*, 319 U.S. at 642 (holding that schools could not require children to salute the American flag).

Trainings, exercises, or assignments which force students or employees to admit, accept, affirm, or support controversial concepts such as privilege, culpability, identity, or status, constitute compelled speech. *See Janus*, 138 S. Ct. at 2464 (“Forcing free and independent individuals to endorse ideas they find objectionable is always demeaning, and for this reason, one of our landmark free speech cases said that a law commanding ‘involuntary affirmation’ of objected-to beliefs would require ‘even more immediate and urgent grounds’ than a law demanding silence.”) (quoting *Barnette*, 319 U.S. at 633)). It is obvious that CRT and antiracism programming take strident positions on some of the most controversial political, societal, and philosophical issues of our time. Compelling students, trainees, or anyone else to mouth support for those same positions not only assaults individual dignity, it undermines the search for truth, our institutions, and our democratic system. *See Janus*, 138 S. Ct. at 2464; *cf. Barnette*, 319 U.S. at 637 (“Free public education, if faithful to the ideal

⁷⁰ U.S. Dep't. of Education, Office for Civil Rights, Dear Colleague Letter: First Amendment (July 28, 2003), <https://www2.ed.gov/about/offices/list/ocr/firstamend.html>.

of secular instruction and political neutrality, will not be partisan or enemy of any class, creed, party, or faction.”).

F. ENFORCEMENT

The Office of the Attorney General stands ready to assist OPI, as well as parents, students, employees, and other individuals with complaints of unlawful race-based discrimination. Schools or other entities that violate state or federal civil rights laws jeopardize their funding and may be liable for damages. There are a variety of legal avenues available for victims of discrimination. For violations of the Individual Dignity Clause and the MHRA, individuals should file complaints with the Montana Human Rights Bureau.⁷¹ For violations of Title VI and the Equal Protection Clause, students and parents may either file a lawsuit directly against their school or file a complaint with the U.S. Department of Education. For violations of Title VII, employees should file a complaint with the U.S. Equal Employment Opportunity Commission.⁷²

⁷¹ See *Filing a Complaint*, MONTANA DEPT. LABOR & INDUST., <https://erd.dli.mt.gov/human-rights/filing-a-complaint/#:~:text=Filing%20a%20Complaint,-How%20To%20File&text=A%20person%20who%20believes%20that,%2D800%2D542%2D0807.&text=A%20formal%20complaint%20must%20be.of%20the%20alleged%20discriminatory%20action>.

⁷² See *Filing a Lawsuit*, U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION, <https://www.eeoc.gov/filing-lawsuit>.

CONCLUSION

According to Lincoln, the Declaration's central proposition that all men are created equal was the "standard maxim for a free society." Abraham Lincoln, Springfield Speech (June 26, 1857), *in* 2 COLLECTED WORKS OF ABRAHAM LINCOLN 406 (Roy P. Basler ed. 1953). Even today, it remains our true north—"familiar to all ... revered by all; constantly looked to, constantly labored for, and even though never perfectly attained, constantly approximated, and thereby constantly spreading and deepening its influence, and augmenting the happiness and value of life to all people of all colors everywhere." *Id.* Frederick Douglass called these "saving principles." Frederick Douglas, Speech, What to the Slave Is the Fourth of July? (July 5, 1852).

These same principles guide us today. And they stand athwart any attempt to return to and glorify the sins of the past, however well-intentioned they may now appear. The Founders, as Lincoln said, "meant [these principles] to be ... a stumbling block to those who in after times might seek to turn a free people back into the hateful paths of despotism." Lincoln, Springfield Speech, *supra*. The only viable path to a more just future and a more perfect union is to live up to our creed, not to abandon it.

Sincerely,


Austin Knudsen
ATTORNEY GENERAL

Testimony on House Bill 322

From: Dr. Colette Dollarhide, Professor and Program Coordinator of Counselor
Education, The Ohio State University

To: State and Local Government Committee

Date 6/21/2021

Honorable Chairman Scott Wiggam, Vice Chairwoman Marilyn John, Ranking Member Representative Brigid Kelly, and Members of the State and Local Government Committee,

Thank you for allowing me to provide this strenuous objection to HB 322 and Sub HB 327. My name is Dr. Colette Dollarhide, and I have been a counselor for 33 years and a professor of counseling for 28 years. I have also just completed a term as the President of the national association of Counselors for Social Justice, because of the strong connection between fair treatment by society at large and mental health. With the dramatic increase in violent crime in the past year, the issue of mental health and feeling a part of society is evident in our national and local news, and is evident in findings from many research studies into crime, social belonging, and education. As a professor of counseling, I train new professionals to recognize and address the issues of fairness and connection to society for clients in the schools and clinical settings in which they are employed. As a result of my clinical experience, training experience, and mental health research experience, I **strongly oppose** House Bill 322 and House Sub Bill 327.

In my clinical and educational experience, I oppose these bills for multiple reasons. First, these bills represent the dangerous censorship of ideas – the primary purpose of education! Members of the Primary and Secondary Education Committee, whose membership includes 10 persons with experience in education in some form, would not support these bills because they know that education must be the clearinghouse for ideas in a free nation. This is the *foundation of democracy*; ideas are not a commodity for sale to the highest bidder or to any political party to further its power or control over the democratic process.

Second, these two bills censor and restrict honest education and accountability of our nation's past, present, and future, dictating what is taught and how it is taught. Educators from kindergarten to universities must be able to teach social and emotional learning skills, involving skills in how to get along with others who do not look like

you. Healthy respect for diverse others, awareness of one's biases and prejudices, and clear skills for interacting with all persons in life are crucial skills needed by all employees in Ohio. These bills prevent such discussions in schools, and severely polices what and how educators are allowed teach this content.

Finally, leading and trusted statewide education agencies, practitioners, and communities directly oppose the bills. The Ohio Federation of Teachers, the Ohio Education Association, and leaders of Ohio Counselors for Social Justice are all opposed to these bills and the attempts to undermine efforts to recognize the trauma that oppressed persons live with on a daily basis. These oppressed persons include the poor; persons who identify with the LGBTQI community; women; persons from Black, Brown, and Native communities; persons who live with physical or mental conditions that threaten their quality of life; new Americans; and many, many more.

As a counselor, counselor educator, and tireless advocate for oppressed persons for the past 30+ years, I ask you to strongly consider my testimony opposing HB 322 and Sub HB 327 and vote NO on these dangerous bills.

Thank you, again, for the opportunity to provide this perspective. I would be happy to answer any additional questions or provide input as needed. You may reach me at dollarhide.1@osu.edu or 614-769-4028.

Respectfully submitted,

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Testimony on Sub House Bill 327

From: Dr. Colette Dollarhide, Professor and Program Coordinator of Counselor
Education, The Ohio State University
To: State and Local Government Committee
Date 6/21/2021

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you. Healthy respect for diverse others, awareness of one's biases and prejudices, and clear skills for interacting with all persons in life are crucial skills needed by all employees in Ohio. These bills prevent such discussions in schools, and severely polices what and how educators are allowed teach this content.

Third, Sub HB 327 specifically removes free speech and academic freedom from higher education, where free ideas MUST be promoted. It threatens and intimidates educators into compliance by removing up to 100% of state funding and revoking education licensure for violations of the bill. This is devastating for universities, colleges, and school districts that are already dangerously underfunded and under-resourced, specially after COVID-19.

Finally, leading and trusted statewide education agencies, practitioners, and communities directly oppose the bills. The Ohio Federation of Teachers, the Ohio Education Association, and leaders of Ohio Counselors for Social Justice are all opposed to these bills and the attempts to undermine efforts to recognize the trauma that oppressed persons live with on a daily basis. These oppressed persons include the poor; persons who identify with the LGBTQI community; women; persons from Black, Brown, and Native communities; persons who live with physical or mental conditions that threaten their quality of life; new Americans; and many, many more.

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Thank you, again, for the opportunity to provide this perspective. I would be happy to answer any additional questions or provide input as needed. You may reach me at dollarhide.1@osu.edu or 614-769-4028.

Respectfully submitted,

Dr. Colette T. Dollarhide, NCC, ACS, LPC-S (OH)
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Dollarhide.1@osu.edu

From: jstover1@aol.com

Sent: Tuesday, June 1, 2021 8:38 AM

To: jstover1@aol.com

Subject: Soon you'll know what indoctrination is being taught in Ohio schools.

Republican House and Senate Members:



Protect Ohio Children

STOP Indoctrination in Schools

Soon you'll know what indoctrination is being taught in Ohio schools.

Do you know if Critical Race Theory (CRT), Comprehensive Sex Education (CSE), or Social Emotional Learning (SEL), is being taught in your local school system?

CRT and CSE are in the news every day across America. Children are now learning about how to discuss their "white privilege" and that the US is a bad place. Children are learning they can pick their gender, and are literally being groomed as customers for Planned Parenthood right in many classrooms! Recently, a teacher from the Mad River School District, wrote this outrageous statement:

"I am ashamed. Ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

The Protect Ohio Children Coalition has undergone a dramatic transformation. We are here to help. For several years we have been gathering evidence of CSE obscenity and inappropriate materials in the schools and we have also been "at the tip of the spear" fighting Critical Race Theory at school board meetings. We have compiled evidence from school districts in Ohio and built an on-line "site map" to help you see at-a-glance the evidence that indoctrination is wildly growing in Ohio, and it may be in YOUR district right NOW!

If you want to know if evidence has been found in your school district, watch for an email from us soon announcing our new website and indoctrination site map.

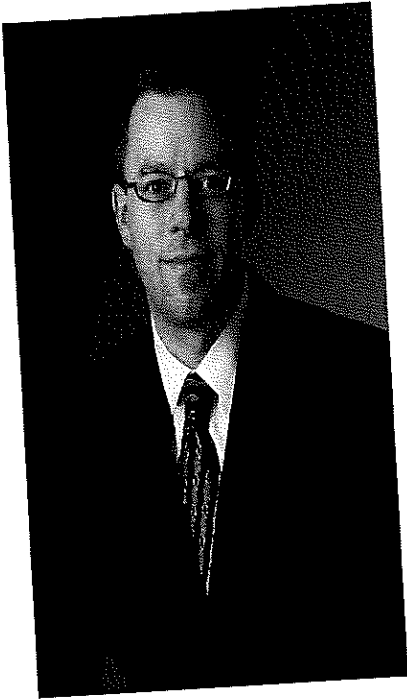
We have been organizing our efforts and have expanded our board with top-notch professionals, that you may already know in your community. Our regional co-chairs are advisors that you can trust.

Diane Stover
Program Director
Protect Ohio Children Coalition

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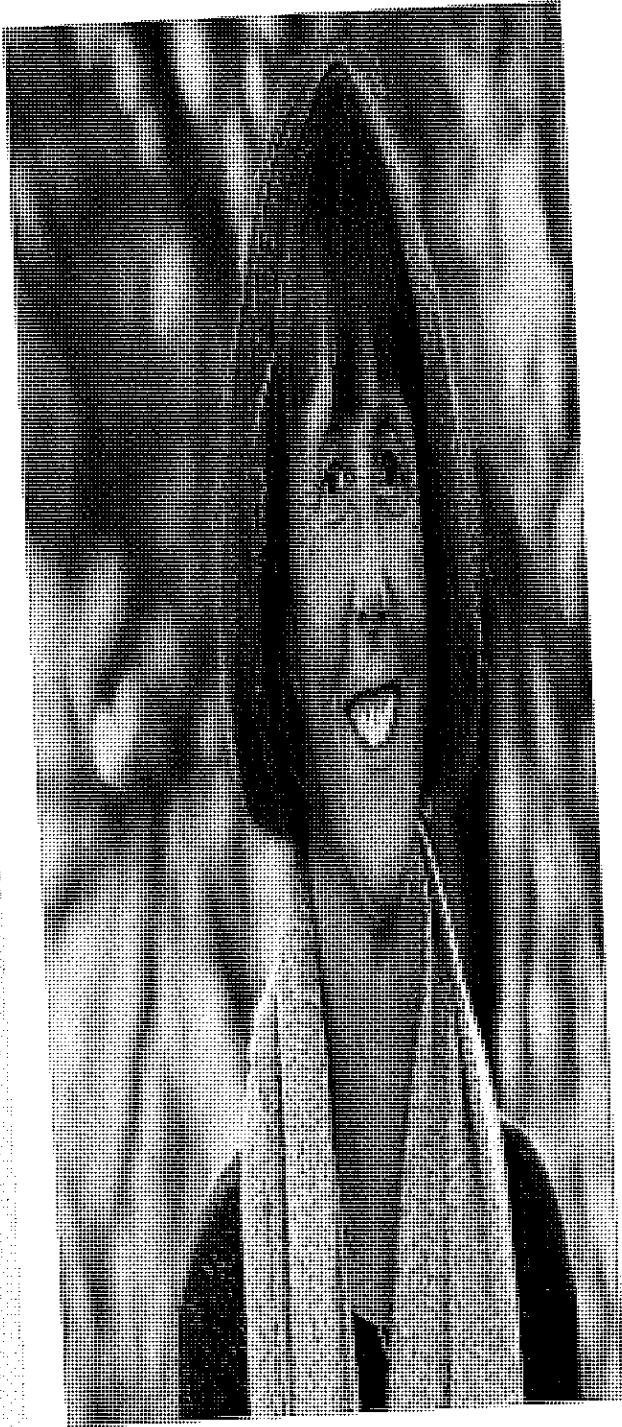


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The Protect Ohio Children Coalition is facilitated by
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May 19, 2021

United States Department of Education
Department of Education Building
400 Maryland Ave, SW
Washington, DC 20202

*Re: Comments on Proposed Priorities – American History and Civics Education Docket
ID ED-20210ESE-0033*

Dear Secretary Cardona:

As the chief legal officers of our respective states, we write to express our deep concerns with the proposed priorities recently issued by the United States Department of Education (“Department”). The proposed priorities are a thinly veiled attempt at bringing into our states’ classrooms the deeply flawed and controversial teachings of Critical Race Theory and the 1619 Project. Critical Race Theory (“CRT”) is an ideological construct that analyzes and interprets American history and government primarily through the narrow prism of race. Similarly, the 1619 Project seeks to “reframe the country’s history.”¹ As such, it distorts, rather than illuminates, a proper and accurate understanding of our nation’s history and governmental institutions and, therefore, is fundamentally at odds with federal and state law.

Accordingly, the Department should not adopt the proposed rule or, at a minimum, should make clear that grants may not fund projects that are based on CRT, including any projects that characterize the United States as irredeemably racist or founded on principles of racism (as opposed to principles of equality) or that purport to ascribe character traits, values, privileges, status, or beliefs, or that assign fault, blame, or bias, to a particular race or to an individual because of his or her race.

Background

On April 19, 2021, the United States Department of Education (“Department”) issued two proposed priorities for the American History and Civics Education programs. The first priority is for projects that incorporate racially, ethnically, culturally, and linguistically diverse perspectives into teaching and learning. The second is for projects that promote information literacy. The

¹ <https://www.wsj.com/articles/the-1619-project-gets-schooled-11576540494>

purpose of these priorities is “to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under the programs.”

Though the Department does not overtly refer to CRT in its priorities, it is prioritizing teaching this highly controversial ideology through the vehicle of this grant program. This is hardly what Congress intended when it authorized this program. CRT focuses how our current government mechanisms are irretrievably *flawed*. Its theorists posit that our Nation’s values, ideals, foundations and institutions – the things Congress intended to *promote* – instead produce “inequity” demanding actions to modify this result. This appears to be a view shared by Professor Ibram X. Kendi and advanced through the 1619 Project. It is fair to assume this view would be advanced by a curriculum built from its project.

The proposed rule establishing the priorities cites as the program authority the Elementary and Secondary Education Act of 1965 as amended by the Every Student Succeeds Act of 2015 (“ESSA”).² In the ESSA, Congress removed burdens on schools and teachers and replaced the No Child Left Behind Act. This was called the “largest devolution of federal control to the states in a quarter century.”³ The goal was to give states more flexibility in education, flexibility which had previously been removed by the No Child Left Behind Act. Such flexibility empowers states to best design policies that meet the unique needs of their own students and communities.

In passing the ESSA, Congress created the Presidential Academy, Congressional Academies, and National Activities programs to improve the quality of instruction in American history and civics by educating students and teachers in “traditional American history” and the principles of the Constitution and the Bill of Rights.⁴ Shortly after signing the ESSA, President Obama’s Department of Education began issuing a raft of proposed regulations to implement its provisions. However, these actions spurred a bi-partisan effort in Congress to ask President Obama to rein in the Department of Education.⁵ As these legislators noted, the proposed regulations did not comply with Congress’s intent in the ESSA. Ultimately, Congress passed, and President Trump signed, a rollback of those regulations under the Congressional Review Act. Undeterred, the current administration seems to be repeating the errors of the Obama administration in issuing regulations that are contrary to the ESSA.

Section 6661 provides that the Secretary of Education “is authorized to carry out an American history and civics education program to improve – 1) the quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and 2) the quality of teaching of American history, civics, and government in elementary and secondary schools, including the teaching of traditional American history.”⁶

² 20 U.S.C. §§ 6662 and 6663

³ <https://www.wsj.com/articles/no-child-left-behinds-successor-1448838727>.

⁴ See 20 U.S.C. § 6661(a)

⁵ <https://www.washingtonpost.com/news/education/wp/2016/11/03/senators-from-both-parties-ask-obama-to-rein-in-education-department-proposals>.

⁶ 20 U.S.C.A. § 6661.

Section 6662 establishes two grant programs. One is called the Presidential Academies for the Teaching of American History and Civics, which provides grants for seminars or institutes for teachers of American history and civics. The other is called the Congressional Academies for Students of American History and Civics, which provides grant funds to offer seminars or institutes for high school students of American history and civics.

Section 6663 provides grant funding for the purpose of developing, implementing, and disseminating evidenced-based approaches or professional development programs in American history, civics, or geography. The purpose of the grants is “to promote new and existing evidence-based strategies to encourage innovative American history, civics, and government, geography instruction”⁷

The Proposed Priorities Are Contrary to the Governing Statute

Congress made clear that the purpose of the programs is to advance a traditional understanding of American history, civics, and government. The proposed priorities would do little to advance that goal and, based on the proposal’s support for the “1619 Project,” would endorse teaching factually deficient history. Moreover, the implementation of these priorities will, in practice, lead to racial and ethnic division and indeed more discrimination. These issues will be addressed in turn.

Proposed Priority 1 – Projects that Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning

Proposed Priority 1 would encourage applicants to “[t]ake into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history.” The plain language of the authorizing sections was to provide better instruction in American history and civics. The Department goes well outside the bounds of reasonable interpretation by basing in part Priority 1 on the debunked “1619 Project.”⁸ In fact, the founder of the 1619 Project admitted that it “is not about history.”⁹ Additionally, the Proposed Priority would focus not on American history and civics as expressly provided for in Section 6661. Section 6661 authorizes programs to do two things: first, promote the improvement of the quality of American history by educating students about history and principles of the Constitution of the United States, including the Bill of Rights; second, improve the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of *traditional* American history. Clearly Congress enacted programs that would focus on the founding documents and anticipated that proponents of a radical view of American history might one day

⁷ 20 U.S.C. § 6663(a).

⁸ <https://www.wsj.com/articles/the-1619-project-gets-schooled-11576540494> and <https://www.heritage.org/american-founders/inpact/new-york-times-quietly-edits-1619-project-after-conservative-pushback>

⁹ <https://www.washingtonexaminer.com/opinion/1619-project-founder-claims-her-project-is-simply-an-origin-story-not-history>

try to corrupt the program because Congress used the adjective "traditional" when describing American history in Section 6661.

The Department's Proposed Priority 1 does not address how the projects would meet the goals provided for in Section 6661. The Department might argue that the priority would in fact give a better view of American history. While the Department might have an interest in changing perspectives on American history to take a more radicalized view solely through the prism of race, Congress enacted programs to encourage a better grasp and understanding of American history, founding documents, civics, and government. Congress was clear in the authorizing statute, and Proposed Priority 1 goes well outside the scope of teaching American history, government, and civics.

Applying the proposed priority as drafted would do little to promote civics instruction and instead promote an agenda that runs counter to the authorization of the programs as provided in Section 6661 which is to improve the quality of teaching of American history and civics in schools particularly as applied to the teaching of "traditional American history." Instead of teaching American history grounded in facts, Proposed Priority 1 would prioritize an ideology that distorts American history. CRT supports the idea that America is a fundamentally racist country and that our institutions are inherently systemically racist. Promoting this warped view of American history does not support the teaching of American history as required by the statute, but instead props up an idea based not in fact, but on the idea that "the United States is a nation founded on white supremacy, patriarchy, and oppression and that these forces are still at the root of our society."¹⁰

Section 6662 requires the entities that receive funds to offer seminars that "provide intensive professional development opportunities for teachers of American history and civics to strengthen teachers' knowledge of the subjects of American history and civics."¹¹ Additionally, Section 6662 requires that the secretary give priority to "eligible entities that coordinate or align their activities with the National Park Service National Centennial Parks initiative."¹² The first priority does not mention the national parks and would run afoul of Section 6662 if an applicant was given priority for meeting the requirements of the draft priority over an applicant who did not comply with the draft priority, but instead coordinated or aligned its activities with the National Park Service as provided for in Section 6662.

Section 6663 provides no better justification for Priority 1. The purpose of the section "is to promote new and existing evidence-based strategies to encourage innovative . . . learning and teaching . . ." Programs shall show potential to improve the quality for student achievement in, and teaching of, American history, civics and government, or geography and demonstrate innovation. However, Priority 1 would require applicants to incorporate into projects "teaching and learning practices that – (a) [t]ake into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history . . ." This has nothing to do with the

¹⁰ <https://www.heritage.org/progressivism/report/critical-race-theory-would-not-solve-racial-inequality-it-would-deepen-it>

¹¹ 20 U.S.C. § 6662(e)(1)(a).

¹² 20 U.S. C. § 6662(e)(4).

teaching of American history grounded in facts. Instead, it treats as truth the ahistorical concepts of CRT and the 1619 Project to inject those notions into classrooms through the grant programs. Nor does it promote any type of innovative learning strategy. It is a shameless attempt to twist a federal program designed and clearly intended by Congress to promote American history and civics education into a program to promote other concepts and Marxism.

Proposed Priority 2 – Promoting Information Literacy Skills

Proposed Priority 2 ostensibly seeks to foster critical thinking and promote student engagement in civics. To do this, it encourages supporting students in “[u]nderstanding their own biases . . . as well as recognizing bias in primary and secondary sources.” This priority suffers from the same deficiencies as Priority 1. Regardless of whether it is a Presidential Academy or Congressional Academies priority, it cannot be prioritized under the statute over an applicant who coordinates or aligns with the National Park Service. Moreover, the plain language of the statutes lay out the purpose of the law which is to improve American history and civics education. It is not an authorization to take federal money to then implement programs to “develop[] information literacy.”¹³

Neither the Presidential Academies nor the Congressional Academies are designed to “develop information literacy.” The Presidential Academies funds must “provide[] intensive development opportunities . . . to strengthen teachers’ knowledge of the subjects of American history and civics.” The Congressional Academies must “broaden[] and deepen[] . . . students’ understanding of American history and civics.” While improving critical thinking in civics and American history classrooms is something we all can support, the simple reality is that pointing out ones’ own biases and the *perceived* biases of others will lead less to critical thinking and more to revisionist history as we have already seen with the 1619 Project. This is contrary to Section 6661 which authorizes Sections 6662 and 6663. Taken together with the enacting language in Section 6661, it is clear that the grants were created for students to understand American history and government and for teachers to gain a better grasp of how to teach American history and civics.

The Proposed Priorities Disadvantage Teachers

Additionally, teachers in states that have broad non-discrimination protections would be at a disadvantage for attending and utilizing the programs that implement programs encouraged under the priority guidance. For example, in Indiana, the General Assembly has provided that the policy of the State is to provide equal and nondiscriminatory education opportunities to students.¹⁴ CRT and the 1619 Project work to discriminate against students who are inappropriately defined as having “privilege” or being “oppressors” based solely on their race. Teaching this in a classroom clearly runs afoul of broad non-discrimination provisions adopted by many states to prevent the same sort of separatist teaching that the guidance attempts to integrate into schools through teachers and students. A teacher that attends a program that teaches him or her to indoctrinate

¹³ Proposed Priority 2

¹⁴ Ind. Code § 20-33-1-1.

students in a discriminatory manner would violate Indiana law if brought back into the classroom. Because Indiana teachers could not bring back what they learned, they would not be able to take part in “intensive professional development opportunities . . . to strengthen [their] knowledge of American history and civics” as provided in Section 6662. Nor could a radical new program that disregards historical fact for an agenda comply with Section 6662. Additionally, states across the country have passed or are considering passing laws that prohibit that type of discrimination that is at the heart of CRT and other concepts.¹⁵ Teachers in these states would also be disadvantaged in terms of being able to learn new skills and concepts to bring into the classroom. And, ultimately, students would be harmed. The programs are designed to increase an understanding of American history. Implementing these priorities, because of their discriminatory nature, would limit who could take advantage of the programs.

It is difficult if not impossible to reconcile teaching our youth the principles advanced by CRT with the intent of Congress in creating this grant program. Educators have already expressed concern with the proposed priorities and how they would affect curriculum.¹⁶

The Proposed Priorities Harm Students

Finally, and most importantly, is the impact of these priorities on students. The proposed priorities specifically cite the work of Kendi as a basis for their implementation, contending that they will reduce discrimination and racist behavior: “Antiracist ideas argue that racist policies are the cause of racist inequalities.” As recently noted by Frederick Hess, “upon closer scrutiny, it quickly becomes apparent just how wholly Kendi’s doctrine is at odds with American traditions of equality, free inquiry, and ordered liberty. Kendi holds that every single thing in the world—every action, idea, thought, and policy—is either ‘racist’ or ‘anti-racist.’”¹⁷ However, Kendi’s own record in implementing what are described as these “anti-racist practices” rather than reduce discrimination, instead actually increase discrimination. For example, Kendi helped lead the opposition against the selection process for the elite Boston Latin School, the Boston Latin Academy, and the John D. O’Bryant School of Math & Science. Relying heavily on a merit-based testing regime, Asian applicants received a disproportionately high number of the scarce 205 available seats. “With COVID as a pretext, equity advocates set up a new system to fill the spots based on zip codes and grades, a plan that will result in a 24 percent reduction in Asians, an 18 percent reduction in whites, a 50 percent increase in blacks, and a 14 percent increase in Hispanics.”¹⁸

Thus, the implementation of Kendi’s teachings in Boston, rather than reduce discrimination, instead increased discrimination, especially against Asian Americans, a group that has been recently targeted with particularly vicious hate crimes.

¹⁵ <https://www.newsweek.com/texas-could-ban-critical-race-theory-next-several-states-look-follow-idaho-1589502>
¹⁶ https://helenair.com/news/state-and-regional/govt-and-politics/arnitzen-requests-ags-opinion-on-critical-race-theory-in-education/article_2c0436d3-29ce-5657-ba38-9ccd095141fa.html

¹⁷ https://www.aei.org/op-eds/how-anti-racism-is-derailing-efforts-to-improve-education/?mkt_tok=NDc1LVBCUS05NzEAAAF8_v5T6a5KFZsi3if2TiYJ5AoqUTW393RUAB92ceyFva0VqARdV_IoDiP-F-IWoSJma3KaOVFMo60Rw_qKi_KpuqWFJchP7xGLHzQV6hjBg

¹⁸ <https://www.nationalreview.com/magazine/2021/05/17/inequality-of-equity>

The hypocrisy inherent in the teaching of CRT is not limited to Kendi's work. For example, Harvard University has been accused, repeatedly, of discriminating against Asian Americans by modifying a merit-based application process to reduce the number of successful Asian American applicants in favor of other races, precisely as Kendi advocated for in Boston. Harvard recently underwent a lengthy trial in federal district court during which the plaintiffs, a group of Asian American students whose applications for admission were denied, presented volumes of evidence in support of their allegation that Harvard effectively operated a quota system designed to keep the number of Asian American students artificially low. The Supreme Court has repeatedly said that such quota systems are illegal. Moreover, such a system does violence to the Reverend Martin Luther King Jr.'s vision of a nation where individuals "will not be judged by the color of their skin but by the content of their character."

Similarly, based on a complaint filed by another group of Asian American students, the Department of Justice during the prior administration conducted a lengthy and thorough investigation of Yale University's admissions practices. At the end of that investigation, the Department of Justice issued a findings letter concluding that Yale University had discriminated against Asian American applicants in violation of Title VI of the Civil Rights Act of 1964. When Yale refused to voluntarily change its policies, the Justice Department filed suit seeking to remedy this discrimination. The highly qualified Asian American applicants Yale rejected in favor of less-qualified applicants of other races surely deserved better, but under the application of CRT, they suffered their own discrimination.

Issues of race and discrimination are complex, but instead of teaching American history and civics, as plainly spelled out in the statute, the proposed priorities would dilute the quality of American history and civics education in America in favor of a hyper-racialized and ahistorical doctrine. They are not focused on promoting truth or a holistic understanding of American history and the ideals that the Founders used to establish our country as required by statute, but instead are being used to promote revisionist American history and principles that lead to more discrimination, not less.

These actions clearly demonstrate the real world disconnect between the stated goals of CRT and its effects.¹⁹ Thus the intended remedy for our civic illiteracy is indeed more virulent than the disease.

It is also curious that Proposed Priority 1, like Kendi in Boston, cites "COVID-19—with its disproportionate impact on communities of color"—as support. There is no doubt that, as the Department has noted in several releases, COVID-19 and the inept response by some large urban

¹⁹ As Christopher Rufo has pointed out, even though benign sounding, when put into practice, CRT curriculum often comes out as discriminatory and results in further discrimination and harassment. <https://www.city-journal.org/the-left-wont-debate-critical-race-theory>.

schools had disproportionate impact on “students of color” as the priority commentary and others note.²⁰

A study from Brown University found that the shutdowns last spring likely set the average student back roughly 35 percent in reading and more than 50 percent in math compared to a typical year.²¹ These disruptions are impacting vulnerable student populations, especially low-income students, children in foster care, students of color, as well as children with disabilities. A study by McKinsey & Company found that school shutdowns deprived lower-income students of vital support and engagement, likely resulting in significant learning losses.²² It estimates, for example, that while the average loss of learning due to the pandemic is nearly seven months, black students could fall behind by 10.3 months, Hispanic students by 9.2 months, and low-income students by more than a year. This would exacerbate existing achievement gaps by 15 to 20 percent.

The United States has been combatting these achievement gaps for many years, and the increase caused by COVID-19 has been disheartening. Given this alarming increase, it is disturbing that the Department has chosen to prioritize advancing this flawed CRT curriculum instead of focusing on reducing the COVID-19 enhanced achievement gap. The adoption of these priorities would cause lower performing schools to continue to fail students of color, students with disabilities, and students in poverty through teaching revisionist history, instead of focusing their resources to make sure their students can “read and write at basic proficiency by the time they graduate middle school.” They are taking on a façade that requires a shift to attacking “abstract societal problems.”²³

Conclusion

As Ronald Reagan once said, “Freedom is a fragile thing and it's never more than one generation away from extinction. It is not ours by way of inheritance; it must be fought for and defended constantly by each generation, for it comes only once to a people. And those in world history who have known freedom and then lost it have never known it again.”²⁴

The ESSA was a bipartisan success. The relevant programs were included to promote the learning and teaching of civics for the benefit of America’s students. These priorities do precisely the opposite while increasing discrimination and failing to address crucial issues like the COVID-19 increase in the achievement gap for students of color, students with disabilities, and students in poverty. The proposed priorities should be rejected. At the very least, the Department should make it clear that it will not fund projects that promote CRT or any projects that characterize the United

²⁰ <https://apnews.com/article/denise-juncau-education-coronavirus-pandemic-seattle-b86968c4a65e90bc2312c66868238bf9>; <https://www.disabilitycoop.com/2021/01/15/school-districts-special-ed-covid-19-investigation/29151>; <https://www.disabilitycoop.com/2021/01/29/ed-department-investigating-special-ed-failures-during-covid-19/29171>.

²¹ <https://www.edworkingpapers.com/sites/default/files/ai20-226-v2.pdf>.

²² <https://www.mckinsey.com/industries/public-and-social-sector/our-insights/covid-19-and-student-learning-in-the-united-states-the-hurt-could-last-a-lifetime#>.

²³ <https://www.dailysignal.com/2021/05/04/how-critical-race-theory-is-taught-in-public-schools>.

²⁴ <https://www.reaganlibrary.gov/archives/speech/january-5-1967-inaugural-address-public-ceremony>.

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States as irredeemably racist or founded on principles of racism (as opposed to principles of equality) or that purport to ascribe character traits, values, privileges, status, or beliefs, or that assign fault, blame, or bias, to a particular race or to an individual because of his or her race.

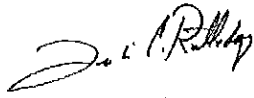
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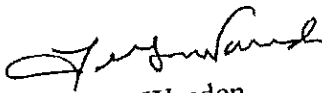
Todd Rokita
Indiana Attorney General



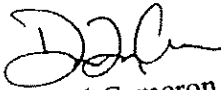
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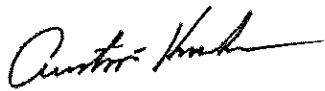
Lawrence Wasden
Idaho Attorney General



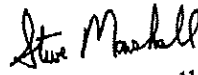
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Kentucky Attorney General



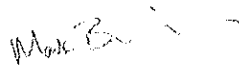
Lynn Fitch
Mississippi Attorney General



Austin Knudsen
Montana Attorney General



Steve Marshall
Alabama Attorney General



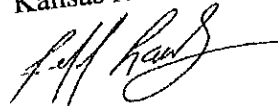
Mark Brnovich
Arizona Attorney General



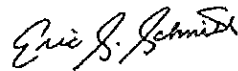
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Georgia Attorney General



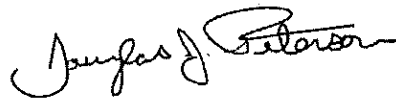
Derek Schmidt
Kansas Attorney General



Jeff Landry
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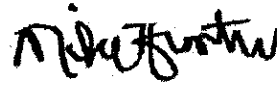
David Yost
Ohio Attorney General



Alan Wilson
South Carolina Attorney General



Sean Reyes
Utah Attorney General



Mike Hunter
Oklahoma Attorney General



Ken Paxton
Texas Attorney General



Patrick Morrissey
West Virginia Attorney General

From: Melanie Elsey
Sent: Saturday, May 8, 2021 2:24 PM
To: Fowler Arthur, Sarah
Subject: Critical Race Theory
Attachments: imprimis.hillsdale.edu-Critical Race Theory What It Is and How to Fight It.pdf; Idaho HB377 enacted 4.29.21.pdf; Oklahoma HB 1775 sent to Gov. 5.4.21.pdf; Arizona SB1532 on CRT.pdf; Arkansas SB627 enacted 4.21.21 CRT.pdf; TN SB623 and HB580 CRT.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Rep. Fowler Arthur,

Below are articles with embedded links to bills, attached legislation, and other information.

I have also attached an Imprimis article that provides an excellent summary of CRT and the cultural response to it.

If you need additional information please let me know.

Best regards,
Melanie

Idaho HB 377 enacted 4.29.21 (copy attached)
<https://legislature.idaho.gov/sessioninfo/2021/legislation/h0377/>

Oklahoma HB 1775 passed and sent to Gov. on 5.4.21 (copy attached)
<https://legiscan.com/OK/bill/HB1775/2021>

This article gives a summary of action in Texas with embedded links to SB2202 and HB3979 which are in process.
<https://www.texastribune.org/2021/05/05/texas-critical-race-theory-schools-legislature/>

Arizona SB 1532 article with embedded link - bill in process (copy attached)
<https://thepostmillennial.com/arizona-state-house-passes-a-bill-banning-critical-race-theory-in-public-schools>

Arkansas SB 627 (copy attached)
Enrolled and delivered to Gov. to sign 4.27.21.
Gov. allowed the bill to become law without his signature.
<https://legiscan.com/AR/bill/SB627/2021>

Here is a copy of the TN Senate bill in process.
<https://www.capitol.tn.gov/Bills/112/Amend/HA0441.pdf>


USDOE giving out federal grants to promote the 1619 project and CRT
https://www.thecentersquare.com/national/states-political-parties-draw-battle-lines-over-taxpayer-funding-of-critical-race-theory/article_3f58c3fa-ad14-11eb-afae-6f5beb828e8e.html

Link to DeSantis position on CRT

<https://nypost.com/2021/03/18/desantis-blocks-critical-race-theory-from-florida-classrooms/>

Melanie Elsey
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Critical Race Theory: What It Is and How to Fight It

 imprimis.hillsdale.edu/critical-race-theory-fight/

Imprimis

Christopher F. Rufo
Founder and Director, Battlefront



Christopher F. Rufo is founder and director of Battlefront, a public policy research center. He is a graduate of Georgetown University and a former Lincoln Fellow at the Claremont Institute for the Study of Statesmanship and Political Philosophy. As executive director at the Documentary Foundation, he has directed four films for PBS, including most recently *America Lost*, which explores life in Youngstown, Ohio, Memphis, Tennessee, and Stockton, California. He is also a contributing editor of *City Journal*, where he covers topics including critical race theory, homelessness, addiction, and crime.

The following is adapted from a lecture delivered at Hillsdale College on March 30, 2021.

Critical race theory is fast becoming America's new institutional orthodoxy. Yet most Americans have never heard of it—and of those who have, many don't understand it. It's time for this to change. We need to know what it is so we can know how to fight it.

In explaining critical race theory, it helps to begin with a brief history of Marxism. Originally, the Marxist Left built its political program on the theory of class conflict. Marx believed that the primary characteristic of industrial societies was the imbalance of power between

capitalists and workers. The solution to that imbalance, according to Marx, was revolution: the workers would eventually gain consciousness of their plight, seize the means of production, overthrow the capitalist class, and usher in a new socialist society.

During the 20th century, a number of regimes underwent Marxist-style revolutions, and each ended in disaster. Socialist governments in the Soviet Union, China, Cambodia, Cuba, and elsewhere racked up a body count of nearly 100 million of their own people. They are remembered for their gulags, show trials, executions, and mass starvations. In practice, Marx's ideas unleashed man's darkest brutalities.

By the mid-1960s, Marxist intellectuals in the West had begun to acknowledge these failures. They recoiled at revelations of Soviet atrocities and came to realize that workers' revolutions would never occur in Western Europe or the United States, where there were large middle classes and rapidly improving standards of living. Americans in particular had never developed a sense of class consciousness or class division. Most Americans believed in the American dream—the idea that they could transcend their origins through education, hard work, and good citizenship.

But rather than abandon their Leftist political project, Marxist scholars in the West simply adapted their revolutionary theory to the social and racial unrest of the 1960s. Abandoning Marx's economic dialectic of capitalists and workers, they substituted race for class and sought to create a revolutionary coalition of the dispossessed based on racial and ethnic categories.

Fortunately, the early proponents of this revolutionary coalition in the U.S. lost out in the 1960s to the civil rights movement, which sought instead the fulfillment of the American promise of freedom and equality under the law. Americans preferred the idea of improving their country to that of overthrowing it. The vision of Martin Luther King, Jr., President Johnson's pursuit of the Great Society, and the restoration of law and order promised by President Nixon in his 1968 campaign defined the post-1960s American political consensus.

But the radical Left has proved resilient and enduring—which is where critical race theory comes in.

WHAT IT IS

Critical race theory is an academic discipline, formulated in the 1990s, built on the intellectual framework of identity-based Marxism. Relegated for many years to universities and obscure academic journals, over the past decade it has increasingly become the default ideology in our public institutions. It has been injected into government agencies, public school systems, teacher training programs, and corporate human resources departments in the form of diversity training programs, human resources modules, public policy frameworks, and school curricula.

There are a series of euphemisms deployed by its supporters to describe critical race theory, including "equity," "social justice," "diversity and inclusion," and "culturally responsive teaching." Critical race theorists, masters of language construction, realize that "neo-Marxism" would be a hard sell. *Equity*, on the other hand, sounds non-threatening and is easily confused with the American principle of *equality*. But the distinction is vast and important. Indeed, equality—the principle proclaimed in the Declaration of Independence, defended in the Civil War, and codified into law with the 14th and 15th Amendments, the Civil Rights Act of 1964, and the Voting Rights Act of 1965—is explicitly rejected by critical race theorists. To them, equality represents "mere nondiscrimination" and provides "camouflage" for white supremacy, patriarchy, and oppression.

In contrast to equality, equity as defined and promoted by critical race theorists is little more than reformulated Marxism. In the name of equity, UCLA Law Professor and critical race theorist Cheryl Harris has proposed suspending private property rights, seizing land and wealth and redistributing them along racial lines. Critical race guru Ibram X. Kendi, who directs the Center for Antiracist Research at Boston University, has proposed the creation of a federal Department of Antiracism. This department would be independent of (i.e., unaccountable to) the elected branches of government, and would have the power to nullify, veto, or abolish any law at any level of government and curtail the speech of political leaders and others who are deemed insufficiently "antiracist."

One practical result of the creation of such a department would be the overthrow of capitalism, since according to Kendi, "In order to truly be antiracist, you also have to truly be anti-capitalist." In other words, identity is the means and Marxism is the end.

An equity-based form of government would mean the end not only of private property, but also of individual rights, equality under the law, federalism, and freedom of speech. These would be replaced by race-based redistribution of wealth, group-based rights, active discrimination, and omnipotent bureaucratic authority. Historically, the accusation of "anti-Americanism" has been overused. But in this case, it's not a matter of interpretation—critical race theory prescribes a revolutionary program that would overturn the principles of the Declaration and destroy the remaining structure of the Constitution.

HOW IT WORKS

What does critical race theory look like in practice? Last year, I authored a series of reports focused on critical race theory in the federal government. The FBI was holding workshops on intersectionality theory. The Department of Homeland Security was telling white employees they were committing "microinequities" and had been "socialized into oppressor roles." The Treasury Department held a training session telling staff members that "virtually all white people contribute to racism" and that they must convert "everyone in the federal government" to the ideology of "antiracism." And the Sandia National Laboratories, which designs America's nuclear arsenal, sent white male executives to a three-day reeducation camp,

where they were told that "white male culture" was analogous to the "KKK," "white supremacists," and "mass killings." The executives were then forced to renounce their "white male privilege" and write letters of apology to fictitious women and people of color.

This year, I produced another series of reports focused on critical race theory in education. In Cupertino, California, an elementary school forced first-graders to deconstruct their racial and sexual identities, and rank themselves according to their "power and privilege." In Springfield, Missouri, a middle school forced teachers to locate themselves on an "oppression matrix," based on the idea that straight, white, English-speaking, Christian males are members of the oppressor class and must atone for their privilege and "covert white supremacy." In Philadelphia, an elementary school forced fifth-graders to celebrate "Black communism" and simulate a Black Power rally to free 1960s radical Angela Davis from prison, where she had once been held on charges of murder. And in Seattle, the school district told white teachers that they are guilty of "spirit murder" against black children and must "bankrupt [their] privilege in acknowledgement of [their] thieved inheritance."

I'm just one investigative journalist, but I've developed a database of more than 1,000 of these stories. When I say that critical race theory is becoming the operating ideology of our public institutions, it is not an exaggeration—from the universities to bureaucracies to k-12 school systems, critical race theory has permeated the collective intelligence and decision-making process of American government, with no sign of slowing down.

This is a revolutionary change. When originally established, these government institutions were presented as neutral, technocratic, and oriented towards broadly-held perceptions of the public good. Today, under the increasing sway of critical race theory and related ideologies, they are being turned against the American people. This isn't limited to the permanent bureaucracy in Washington, D.C., but is true as well of institutions in the states, even in red states, and it is spreading to county public health departments, small Midwestern school districts, and more. This ideology will not stop until it has devoured all of our institutions.

FUTILE RESISTANCE

Thus far, attempts to halt the encroachment of critical race theory have been ineffective. There are a number of reasons for this.

First, too many Americans have developed an acute fear of speaking up about social and political issues, especially those involving race. According to a recent Gallup poll, 77 percent of conservatives are afraid to share their political beliefs publicly. Worried about getting mobbed on social media, fired from their jobs, or worse, they remain quiet, largely ceding the public debate to those pushing these anti-American ideologies. Consequently, the institutions themselves become monocultures: dogmatic, suspicious, and hostile to a diversity of

opinion. Conservatives in both the federal government and public school systems have told me that their "equity and inclusion" departments serve as political offices, searching for and stamping out any dissent from the official orthodoxy.

Second, critical race theorists have constructed their argument like a mousetrap. Disagreement with their program becomes irrefutable evidence of a dissenter's "white fragility," "unconscious bias," or "internalized white supremacy." I've seen this projection of false consciousness on their opponents play out dozens of times in my reporting. Diversity trainers will make an outrageous claim—such as "all whites are intrinsically oppressors" or "white teachers are guilty of spirit murdering black children"—and then when confronted with disagreement, they adopt a patronizing tone and explain that participants who feel "defensiveness" or "anger" are reacting out of guilt and shame. Dissenters are instructed to remain silent, "lean into the discomfort," and accept their "complicity in white supremacy."

Third, Americans across the political spectrum have failed to separate the premise of critical race theory from its conclusion. Its premise—that American history includes slavery and other injustices, and that we should examine and learn from that history—is undeniable. But its revolutionary conclusion—that America was founded on and defined by racism and that our founding principles, our Constitution, and our way of life should be overthrown—does not rightly, much less necessarily, follow.

Fourth and finally, the writers and activists who have had the courage to speak out against critical race theory have tended to address it on the theoretical level, pointing out the theory's logical contradictions and dishonest account of history. These criticisms are worthy and good, but they move the debate into the academic realm, which is friendly terrain for proponents of critical race theory. They fail to force defenders of this revolutionary ideology to defend the practical consequences of their ideas in the realm of politics.

POLITICAL ENGAGEMENT

No longer simply an academic matter, critical race theory has become a tool of political power. To borrow a phrase from the Marxist theoretician Antonio Gramsci, it is fast achieving "cultural hegemony" in America's public institutions. More and more, it is driving the vast machinery of the state and society. If we want to succeed in opposing it, we must address it politically at every level.

Critical race theorists must be confronted with and forced to speak to the facts. Do they support public schools separating first-graders into groups of "oppressors" and "oppressed"? Do they support mandatory curricula teaching that "all white people play a part in perpetuating systemic racism"? Do they support public schools instructing white parents to become "white traitors" and advocate for "white abolition"? Do they want those who work in government to be required to undergo this kind of reeducation? How about managers and workers in corporate America? How about the men and women in our military? How about every one of us?

There are three parts to a successful strategy to defeat the forces of critical race theory: governmental action, grassroots mobilization, and an appeal to principle.

We already see examples of governmental action. Last year, one of my reports led President Trump to issue an executive order banning critical race theory-based training programs in the federal government. President Biden rescinded this order on his first day in office, but it provides a model for governors and municipal leaders to follow. This year, several state legislatures have introduced bills to achieve the same goal: preventing public institutions from conducting programs that stereotype, scapegoat, or demean people on the basis of race. And I have organized a coalition of attorneys to file lawsuits against schools and government agencies that impose critical race theory-based programs on grounds of the First Amendment (which protects citizens from compelled speech), the Fourteenth Amendment (which provides equal protection under the law), and the Civil Rights Act of 1964 (which prohibits public institutions from discriminating on the basis of race).

On the grassroots level, a multiracial and bipartisan coalition is emerging to do battle against critical race theory. Parents are mobilizing against racially divisive curricula in public schools and employees are increasingly speaking out against Orwellian reeducation in the workplace. When they see what is happening, Americans are naturally outraged that critical race theory promotes three ideas—race essentialism, collective guilt, and neo-segregation—which violate the basic principles of equality and justice. Anecdotally, many Chinese-Americans have told me that having survived the Cultural Revolution in their former country, they refuse to let the same thing happen here.

In terms of principles, we need to employ our own moral language rather than allow ourselves to be confined by the categories of critical race theory. For example, we often find ourselves debating "diversity." Diversity as most of us understand it is generally good, all things being equal, but it is of secondary value. We should be talking about and aiming at *excellence*, a common standard that challenges people of all backgrounds to achieve their potential. On the scale of desirable ends, *excellence* beats *diversity* every time.

Similarly, in addition to pointing out the dishonesty of the historical narrative on which critical race theory is predicated, we must promote the true story of America—a story that is honest about injustices in American history, but that places them in the context of our nation's high ideals and the progress we have made towards realizing them. Genuine American history is rich with stories of achievements and sacrifices that will move the hearts of Americans—in stark contrast to the grim and pessimistic narrative pressed by critical race theorists.

Above all, we must have courage—the fundamental virtue required in our time. Courage to stand and speak the truth. Courage to withstand epithets. Courage to face the mob. Courage to shrug off the scorn of the elites. When enough of us overcome the fear that currently prevents so many from speaking out, the hold of critical race theory will begin to slip. And courage begets courage. It's easy to stop a lone dissenter; it's much harder to stop 10, 20, 100, 1,000, 1,000,000, or more who stand up together for the principles of America.

Truth and justice are on our side. If we can muster the courage, we will win.

Sixty-sixth Legislature

LEGISLATURE OF THE STATE OF IDAHO
First Regular Session - 2021

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 377

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING
2 CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138,
3 IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FIND-
4 INGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS
5 OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO
6 PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO
7 CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT
8 THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABIL-
9 ITY; AND DECLARING AN EMERGENCY.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 33-138, Idaho Code, and to read as follows:

15 33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is
16 the intent of the legislature that administrators, faculty members, other
17 employees, and students at public schools, including public charter schools
18 and institutions of higher education, respect the dignity of others, ac-
19 knowledge the right of others to express differing opinions, and foster and
20 defend intellectual honesty, freedom of inquiry and instruction, and free-
21 dom of speech and association.

22 (2) The Idaho legislature finds that tenets outlined in subsection
23 (3) (a) of this section, often found in "critical race theory," undermine the
24 objectives outlined in subsection (1) of this section and exacerbate and
25 inflame divisions on the basis of sex, race, ethnicity, religion, color, na-
26 tional origin, or other criteria in ways contrary to the unity of the nation
27 and the well-being of the state of Idaho and its citizens.

28 (3) In accordance with section 6, article IX of the constitution of the
29 state of Idaho and section 67-5909, Idaho Code:

30 (a) No public institution of higher education, school district, or pub-
31 lic school, including a public charter school, shall direct or other-
32 wise compel students to personally affirm, adopt, or adhere to any of
33 the following tenets:

- 34 (i) That any sex, race, ethnicity, religion, color, or national
35 origin is inherently superior or inferior;
36 (ii) That individuals should be adversely treated on the basis of
37 their sex, race, ethnicity, religion, color, or national origin;
38 or
39 (iii) That individuals, by virtue of sex, race, ethnicity, reli-
40 gion, color, or national origin, are inherently responsible for
41 actions committed in the past by other members of the same sex,
42 race, ethnicity, religion, color, or national origin.

1 (b) No distinction or classification of students shall be made on ac-
2 count of race or color.

3 (c) No course of instruction or unit of study directing or otherwise
4 compelling students to personally affirm, adopt, or adhere to any of the
5 tenets identified in paragraph (a) of this subsection shall be used or
6 introduced in any institution of higher education, any school district,
7 or any public school, including a public charter school.

8 (4) Nothing in this section should be construed to prohibit the re-
9 quired collection or reporting of demographic data by public schools or
10 public institutions of higher education.

11 SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is
12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
13 ignated as Section 33-139, Idaho Code, and to read as follows:

14 33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PUR-
15 POSES. No moneys shall be expended by the state board of education, any
16 entity under the state board of education's jurisdiction, or any school dis-
17 trict, public charter school, or public institution of higher education for
18 any purpose prohibited in section 33-138, Idaho Code.

19 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
20 to be severable and if any provision of this act or the application of such
21 provision to any person or circumstance is declared invalid for any reason,
22 such declaration shall not affect the validity of the remaining portions of
23 this act.

24 SECTION 4. An emergency existing therefor, which emergency is hereby
25 declared to exist, this act shall be in full force and effect on and after its
26 passage and approval.

An Act

ENROLLED HOUSE
BILL NO. 1775

By: West (Kevin), Stearman,
Stark, Caldwell (Chad),
Crosswhite Hader, Williams,
Olsen, West (Rick), Gann,
Bashore, Kendrix, Smith,
Grego, Pfeiffer, Martinez,
Roe, Sneed, Marti,
Steagall, Russ and Conley
of the House

and

Bullard, Hamilton, Jett
Standridge, Dahm, Weaver,
Bergstrom, Merrick,
Pederson, Rogers, Burns and
Stephens of the Senate

An Act relating to education; prohibiting certain students within certain institutions from being required to engage in certain training or counseling; allowing for voluntary counseling; prohibiting orientation or requirement that presents any form of certain stereotyping or bias; prohibiting of rules pursuant to certain act and subject to certain approval; prohibiting certain application; prohibiting employees of certain schools from requiring certain concepts to be part of a course; specifying concepts; directing promulgation of rules pursuant to certain act and subject to certain approval; providing for codification; providing an effective date; and declaring an emergency.

SUBJECT: Education

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 24-157 of Title 70, unless there is created a duplication in numbering, reads as follows:

A. 1. No enrolled student of an institution of higher education within The Oklahoma State System of Higher Education shall be required to engage in any form of mandatory gender or sexual diversity training or counseling; provided, voluntary counseling shall not be prohibited. Any orientation or requirement that presents any form of race or sex stereotyping or a bias on the basis of race or sex shall be prohibited.

2. Pursuant to the provisions of the Administrative Procedures Act, the Oklahoma State Regents for Higher Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.

B. The provisions of this subsection shall not prohibit the teaching of concepts that align to the Oklahoma Academic Standards.

1. No teacher, administrator or other employee of a school district, charter school or virtual charter school shall require or make part of a course the following concepts:

- a. one race or sex is inherently superior to another race or sex,
- b. an individual, by virtue of his or her race or sex, is inherently racist, sexist or oppressive, whether consciously or unconsciously,
- c. an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex,
- d. members of one race or sex cannot and should not attempt to treat others without respect to race or sex,
- e. an individual's moral character is necessarily determined by his or her race or sex,
- f. an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex,

- g. any individual should feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex, or
- h. meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race to oppress members of another race.

2. The State Board of Education shall promulgate rules, subject to approval by the Legislature, to implement the provisions of this subsection.

SECTION 2. This act shall become effective July 1, 2021.

SECTION 3. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.

Passed the House of Representatives the 29th day of April, 2021.

Presiding Officer of the House
of Representatives

Passed the Senate the 21st day of April, 2021.

Presiding Officer of the Senate

OFFICE OF THE GOVERNOR

Received by the Office of the Governor this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

Approved by the Governor of the State of Oklahoma this _____

day of _____, 20_____, at _____ o'clock _____ M.

Governor of the State of Oklahoma

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____

day of _____, 20_____, at _____ o'clock _____ M.

By: _____

House Engrossed Senate Bill

~~county transportation planning assistant~~
(now: impending school operations; civil liability)

State of Arizona
Senate
Fifty-fifth Legislature
First Regular Session
2021

SENATE BILL 1532

AN ACT

AMENDING TITLE 15, CHAPTER 7, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 15-717.02; AMENDING SECTION 35-212, ARIZONA REVISED
STATUTES; RELATING TO PUBLIC MONIES.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:
2 Section 1. Title 15, chapter 7, article 1, Arizona Revised
3 Statutes, is amended by adding section 15-717.02, to read:
4 15-717.02. Controversial issues of public policy or social
5 affairs; prohibition; discussion; coursework;
6 legal action; civil penalty; misused monies

7 A. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT
8 REQUIRE A TEACHER, ANOTHER EMPLOYEE OR A VISITOR TO DISCUSS CONTROVERSIAL
9 ISSUES OF PUBLIC POLICY OR SOCIAL AFFAIRS THAT ARE NOT ESSENTIAL TO THE
10 COURSE LEARNING OBJECTIVES. ACCURATE PORTRAYALS OF HISTORICAL EVENTS,
11 LESSONS ON RECOGNIZING AND REPORTING ABUSE AND SEX EDUCATION ARE NOT
12 CONTROVERSIAL FOR THE PURPOSES OF THIS SECTION.

13 B. IF A TEACHER CHOOSES TO DISCUSS CONTROVERSIAL ISSUES OF PUBLIC
14 POLICY OR SOCIAL AFFAIRS, THE TEACHER, TO THE BEST OF THE TEACHER'S
15 ABILITY, SHALL PRESENT THESE ISSUES FROM DIVERSE AND CONTENDING
16 PERSPECTIVES WITHOUT GIVING DEFERENCE TO ANY ONE PERSPECTIVE.

17 C. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT ALLOW
18 A TEACHER OR EMPLOYEE TO REQUIRE OR MAKE PART OF A COURSE STUDENT WORK FOR
19 OR IN AFFILIATION WITH OR SERVICE LEARNING THAT INVOLVES THE STUDENT BEING
20 ENGAGED IN LOBBYING FOR LEGISLATION AT THE LOCAL, STATE OR FEDERAL LEVEL
21 OR IN SOCIAL OR PUBLIC POLICY ADVOCACY. THIS PROHIBITION DOES NOT APPLY
22 TO EXTRA CREDIT WORK OR ACADEMIC CREDIT FOR AN INTERNSHIP OR WORK
23 EXPERIENCE. ANY CREDIT AWARDED PURSUANT TO THIS SUBSECTION MAY NOT BE
24 INFLUENCED IN ANY WAY BY THE PUBLIC POLICY ISSUE CHOSEN BY THE STUDENT.

25 D. A SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY MAY NOT
26 REQUIRE A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT OR
27 CHARTER SCHOOL TO ENGAGE IN TRAINING, ORIENTATION OR THERAPY THAT PRESENTS
28 ANY FORM OF BLAME OR JUDGMENT ON THE BASIS OF RACE, ETHNICITY OR SEX. THIS
29 SUBSECTION DOES NOT PRECLUDE ANY TRAINING ON SEXUAL HARASSMENT.

30 E. A TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL DISTRICT,
31 CHARTER SCHOOL OR STATE AGENCY MAY NOT REQUIRE INSTRUCTION IN OR MAKE PART
32 OF A COURSE THE FOLLOWING CONCEPTS:

- 33 1. ONE RACE, ETHNIC GROUP OR SEX IS INHERENTLY MORALLY OR
34 INTELLECTUALLY SUPERIOR TO ANOTHER RACE, ETHNIC GROUP OR SEX.
- 35 2. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR
36 SEX, IS INHERENTLY RACIST, SEXIST OR OPPRESSIVE, WHETHER CONSCIOUSLY OR
37 UNCONSCIOUSLY.
- 38 3. AN INDIVIDUAL SHOULD BE INVIDIOUSLY DISCRIMINATED AGAINST OR
39 RECEIVE ADVERSE TREATMENT SOLELY OR PARTLY BECAUSE OF THE INDIVIDUAL'S
40 RACE, ETHNICITY OR SEX.
- 41 4. AN INDIVIDUAL'S MORAL CHARACTER IS DETERMINED BY THE
42 INDIVIDUAL'S RACE, ETHNICITY OR SEX.

1 5. AN INDIVIDUAL, BY VIRTUE OF THE INDIVIDUAL'S RACE, ETHNICITY OR
2 SEX, BEARS RESPONSIBILITY FOR ACTIONS COMMITTED BY OTHER MEMBERS OF THE
3 SAME RACE, ETHNIC GROUP OR SEX.

4 6. AN INDIVIDUAL SHOULD FEEL DISCOMFORT, GUILT, ANGUISH OR ANY
5 OTHER FORM OF PSYCHOLOGICAL DISTRESS BECAUSE OF THE INDIVIDUAL'S RACE,
6 ETHNICITY OR SEX.

7 7. ACADEMIC ACHIEVEMENT, MERITOCRACY OR TRAITS SUCH AS A HARD WORK
8 ETHIC ARE RACIST OR SEXIST OR WERE CREATED BY MEMBERS OF A PARTICULAR
9 RACE, ETHNIC GROUP OR SEX TO OPPRESS MEMBERS OF ANOTHER RACE, ETHNIC GROUP
10 OR SEX.

11 F. AN ATTORNEY ACTING ON BEHALF OF A PUBLIC SCHOOL MAY REQUEST A
12 LEGAL OPINION OF THE COUNTY ATTORNEY OR ATTORNEY GENERAL AS TO WHETHER A
13 PROPOSED USE OF SCHOOL DISTRICT RESOURCES WOULD VIOLATE THIS SECTION OR
14 SECTION 35-212.

15 G. THE ATTORNEY GENERAL OR THE COUNTY ATTORNEY FOR THE COUNTY IN
16 WHICH AN ALLEGED VIOLATION OF THIS SECTION OCCURS MAY INITIATE A SUIT IN
17 THE SUPERIOR COURT IN THE COUNTY IN WHICH THE SCHOOL DISTRICT OR CHARTER
18 SCHOOL IS LOCATED FOR THE PURPOSE OF COMPLYING WITH THIS SECTION.

19 H. FOR EACH VIOLATION OF THIS SECTION, THE COURT MAY IMPOSE A CIVIL
20 PENALTY NOT TO EXCEED \$5,000 PER PERSON PLUS ANY AMOUNT OF MISUSED MONIES
21 FROM THE SCHOOL DISTRICT, CHARTER SCHOOL OR STATE AGENCY BUDGET AGAINST A
22 PERSON WHO KNOWINGLY VIOLATES OR WHO KNOWINGLY AIDS ANOTHER PERSON IN
23 VIOLATING THIS SECTION. THE PERSON DETERMINED TO BE OUT OF COMPLIANCE
24 WITH THIS SECTION IS RESPONSIBLE FOR PAYING ALL CIVIL PENALTIES AND
25 MISUSED MONIES. IF A CURRICULUM IS ADOPTED THAT VIOLATES THIS SECTION,
26 ANY PERSON WHO IS RESPONSIBLE FOR ADOPTING THE CURRICULUM IS RESPONSIBLE
27 FOR PAYING ALL CIVIL PENALTIES AND MISUSED MONIES. SCHOOL DISTRICT MONIES
28 OR INSURANCE PAYMENTS MAY NOT BE USED TO PAY THESE CIVIL PENALTIES OR
29 MISUSED MONIES.

30 I. ALL MISUSED MONIES COLLECTED PURSUANT TO THIS SECTION SHALL BE
31 RETURNED TO THE SCHOOL DISTRICT OR CHARTER SCHOOL WHOSE MONIES WERE
32 MISUSED. ALL CIVIL PENALTIES COLLECTED BY THE COURT FOR A SUIT INITIATED
33 IN SUPERIOR COURT BY THE ATTORNEY GENERAL SHALL BE PAID TO THE OFFICE OF
34 THE ATTORNEY GENERAL FOR THE USE AND REIMBURSEMENT OF COSTS OF PROSECUTION
35 PURSUANT TO THIS SECTION. ALL CIVIL PENALTIES COLLECTED BY THE COURT FOR A
36 SUIT INITIATED IN SUPERIOR COURT BY A COUNTY ATTORNEY SHALL BE PAID TO THE
37 COUNTY TREASURER OF THE COUNTY IN WHICH THE COURT IS HELD FOR THE USE AND
38 REIMBURSEMENT OF COSTS OF PROSECUTION PURSUANT TO THIS SECTION.

39 Sec. 2. Section 35-212, Arizona Revised Statutes, is amended to
40 read:

41 35-212. Injunctive and civil remedies; time limit; definition

42 A. The attorney general in the attorney general's discretion may
43 bring an action in the name of the THIS state to:

1 1. Enjoin the illegal payment of public monies, including
2 violations of section 11-952 and title 41, chapter 23.

3 2. Recover illegally paid public monies plus twenty percent of that
4 amount together with interest and costs, including reasonable attorney
5 fees, to be paid to the state treasurer or other appropriate
6 official, or, in the case of public monies of a political subdivision
7 that did not originate or were not received from this state, to the
8 political subdivision, to the credit of the fund from which the payment
9 was made.

10 B. The attorney general may bring an action to recover illegally
11 paid public monies against:

12 1. Any person who received the illegal payment.

13 2. The public body or the public officer acting in the officer's
14 official capacity who ordered or caused the illegal payment or has
15 supervisory authority over the person that ordered or caused the illegal
16 payment.

17 3. The public official, employee or agent who ordered or caused the
18 illegal payment, including a payment ordered or caused to be made without
19 authorization of law.

20 4. THE PUBLIC OFFICIAL, EMPLOYEE OR AGENT OF THIS STATE, A
21 POLITICAL SUBDIVISION OF THIS STATE OR A BUDGET UNIT WHO KNOWINGLY USES
22 PUBLIC MONIES OR OTHER PUBLIC RESOURCES, INCLUDING EMAIL, EQUIPMENT OR
23 COMPENSATED WORK TIME, TO ORGANIZE, PLAN OR EXECUTE ANY ACTIVITY THAT
24 IMPEDES OR PREVENTS A PUBLIC SCHOOL FROM OPERATING FOR ANY PERIOD OF TIME,
25 UNLESS THE PUBLIC OFFICIAL, EMPLOYEE OR AGENT IS ACTING IN GOOD FAITH AND
26 IN FURTHERANCE OF THE OFFICIAL'S, EMPLOYEE'S OR AGENT'S OFFICIAL DUTIES.

27 5. THE TEACHER, ADMINISTRATOR OR OTHER EMPLOYEE OF A SCHOOL
28 DISTRICT OR CHARTER SCHOOL OR THE STATE EMPLOYEE WHOSE VIOLATION OF
29 SECTION 15-717.02 RESULTED IN AN ILLEGAL USE OF PUBLIC MONIES.

30 C. A public official, employee or agent of this state, a political
31 subdivision of this state or a budget unit who is charged with collecting,
32 receiving, safekeeping, transferring or disbursing public monies may be
33 held personally liable for an illegal payment of public monies, including
34 payment made without authorization of law.

35 D. A public official, employee or agent of this state, a political
36 subdivision of this state or a budget unit who is responsible for
37 disbursing, collecting, receiving, safekeeping or transferring public
38 monies pursuant to a warrant, check or substitute check, electronic funds
39 transfer voucher or other form of claim that does not originate from the
40 public official, employee or agent making the disbursement may not be held
41 personally liable for illegal payments made pursuant to such warrants,
42 checks or substitute checks, electronic funds transfer vouchers or other
43 claims unless the public official, employee or agent knew or should have
44 known that a warrant, check or substitute check, electronic funds transfer

1 voucher or other claim would result in an illegal payment of public
2 monies.

3 E. An action brought pursuant to this article is subject to title
4 12, chapter 7, article 2. If the action is brought by the attorney
5 general, the action must be brought within five years after the date an
6 illegal payment was ordered and section 12-821.01 does not apply to the
7 action.

8 F. For the purposes of this section, "public monies" includes all
9 monies coming into the lawful possession, custody or control of budget
10 units, state agencies, boards, commissions or departments or a state
11 officer, employee or agent in an official capacity, and all monies coming
12 into the lawful possession, custody or control of a tax-supported
13 political subdivision or an officer, employee or agent of a tax-supported
14 political subdivision in an official capacity irrespective of the source
15 from which, or the manner in which, the monies are received.

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

As Engrossed: S4/21/21
A Bill

SENATE BILL 627

5 By: Senators T. Garner, B. Ballinger, B. Johnson
6

7 **For An Act To Be Entitled**

8 *AN ACT TO PROHIBIT THE PROPAGATION OF DIVISIVE*
9 *CONCEPTS; TO REVIEW STATE ENTITY TRAINING MATERIALS;*
10 *AND FOR OTHER PURPOSES.*

11
12
13 **Subtitle**

14 *TO PROHIBIT THE PROPAGATION OF DIVISIVE*
15 *CONCEPTS; AND TO REVIEW STATE ENTITY*
16 *TRAINING MATERIALS.*

17
18
19 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
20

21 SECTION 1. Arkansas Code Title 25, Chapter 1, is amended to add an
22 additional subchapter to read as follows:

23 Subchapter 6 – Propagation of Divisive Concepts Prohibited
24

25 25-1-601. Definitions.

26 As used in this subchapter:

27 (1) “Divisive concept” means the concept that:

28 (A) One race or sex is inherently superior to another race
29 or sex;

30 (B) The state of Arkansas or the United States is
31 fundamentally racist or sexist;

32 (C) An individual, by virtue of his or her race or sex, is
33 inherently racist, sexist, or oppressive, whether consciously or
34 unconsciously;

35 (D) An individual should be discriminated against or
36 receive adverse treatment solely or partly because of his or her race or sex;



As Engrossed: S4/21/21

1 (E) An individual's moral character is necessarily
 2 determined by his or her race or sex;

3 (F) An individual, by virtue of his or her race or sex,
 4 bears responsibility for actions committed in the past by other members of
 5 the same race or sex;

6 (G) Any individual should feel discomfort, guilt, anguish,
 7 or any other form of psychological distress on account of his or her race or
 8 sex;

9 (H) Meritocracy or traits such as a hard work ethic are
 10 racist or sexist, or were created by a particular race to oppress another
 11 race; or

12 (I) The term "divisive concept" includes any other form of
 13 race or sex stereotyping or any other form of race or sex scapegoating;

14 (2) "Race or sex stereotyping" means ascribing character traits,
 15 values, moral and ethical codes, privileges, status, or beliefs to a race or
 16 sex, or to an individual because of his or her race or sex;

17 (3)(A) "Race or sex scapegoating" means assigning fault, blame,
 18 or bias to a race or sex, or to members of a race or sex because of their
 19 race or sex.

20 (B) "Race or sex scapegoating" encompasses any claim that,
 21 consciously or unconsciously, and by virtue of his or her race or sex,
 22 members of any race are inherently racist or are inherently inclined to
 23 oppress others, or that members of a sex are inherently sexist or inclined to
 24 oppress others; and

25 (4)(A) "State entity" means an instrumentality of state
 26 government, including

- 27 (i) The Department of Agriculture;
- 28 (ii) The Department of Commerce;
- 29 (iii) The Department of Corrections;
- 30 (iv) The Department of Education;
- 31 (v) The Department of Energy and Environment;
- 32 (vi) The Department of Finance and Administration;
- 33 (vii) The Department of Health;
- 34 (viii) The Department of Human Services;
- 35 (ix) The Department of the Inspector General;
- 36 (x) The Department of Labor and Licensing;

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- (xi) The Department of the Military;
- (xii) The Department of Parks, Heritage, and
- Tourism;
- (xiii) The Department of Public Safety;
- (xiv) The Department of Transformation and Shared
- Services; and
- (xv) The Department of Veterans Affairs; and

(B) "State entity" does not include:

- (i) Political subdivisions of the state;
- (ii) Public schools;
- (iii) Charter schools;
- (iv) Institutions of higher education;
- (v) The offices of constitutional officers; or
- (vi) Law enforcement training certified by the

Commission on Law Enforcement Standards and Training.

25-1-602. Unlawful propagation of divisive concepts by a state entity.

(a) A state entity shall not teach, instruct, or train any employee, contractor, staff member, or any other individual or group, to adopt or believe any divisive concepts.

(b) No employee of the state of Arkansas shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to the divisive concepts defined under § 25-1-601.

25-1-603. State entities – Grants.

The administrative head of all state entities shall review their respective grant programs and identify programs for which the state entity may, as a condition of receiving such a grant, require the recipient to certify that it will not use state funds or assets to promote a divisive concept.

25-1-604. State entity training.

(a)(1) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the state workplace.

(2) The administrative head of each state entity shall use his

1 or her authority to ensure that the state entity, state entity employees
2 during work hours, and any contractors hired by the state entity to provide
3 training, workshops, forums, or similar programming, for purposes of this
4 section, "training", to state entity employees do not teach, advocate, act
5 upon, or promote in any training to state entity employees any of the
6 divisive concepts as defined in § 25-1-601.

7 (3) State entity diversity and inclusion efforts shall encourage
8 state entity employees not to judge each other by their color, race,
9 ethnicity, sex, or any other characteristic protected by federal or state
10 law.

11 (b) The Secretary of the Department of Transformation and Shared
12 Services shall develop rules for the enforcement of the provisions of this
13 subchapter.

14 (c) Each state entity head shall:

15 (1) Issue a policy incorporating the requirements of this
16 subchapter into state entity operations;

17 (2) Request that the state entity thoroughly review and assess
18 not less than annually thereafter, state entity compliance with the
19 requirements of the policy in the form of a report submitted to the
20 Department of Transformation and Shared Services; and

21 (3) Assign at least one (1) employee of the state entity
22 responsibility for ensuring compliance with the requirements of the policy.

23
24 25-1-605. Review of state entity training.

25 (a) All training programs for state entity employees relating to
26 diversity or inclusion shall, before being used, be reviewed by the
27 respective state entity for compliance with this subchapter.

28 (b) If a contractor provides a training for state entity employees
29 relating to diversity or inclusion that teaches, advocates, or promotes the
30 divisive concepts defined in § 25-1-601, and such action is in violation of
31 the applicable contract, the state entity that contracted for such training
32 shall evaluate whether to pursue debarment of that contractor, consistent
33 with applicable law and regulations.

34
35 25-1-606. Promotion of diversity – Severability.

36 (a) Nothing in this subchapter shall prevent state entities from

1 promoting racial, cultural, or ethnic diversity or inclusiveness, provided
2 such efforts are consistent with the requirements of this subchapter.

3 (b) Nothing in this subchapter shall be construed to prohibit
4 discussing, as part of a larger course of academic instruction, the divisive
5 concepts listed in § 25-1-601 in an objective manner and without endorsement.

6 (c) If any section of this subchapter, or the application of any
7 provision to any person or circumstance, is held to be invalid, the remainder
8 of this subchapter and the application of its provisions to any other persons
9 or circumstances is severable.

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11 SECTION 2. DO NOT CODIFY. Effective date.

12 This act shall take effect January 1, 2022.

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14 /s/T. Garner
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White
Signature of Sponsor

AMEND Senate Bill No. 623

House Bill No. 580*

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (19) and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (20) and substituting:

(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

SECTION 5. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner of education shall annually publish information on the department's website, including, but not limited to:

- (1) The results of state-conducted compliance and performance audits of LEAs;
- (2) Value-added assessment organized by grade band, school, and LEA;
- (3) School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, the number of waivers granted pursuant to § 49-1-201(d), local financial contribution to education, attendance rates, and other indicators of school performance adopted by the state board of education;
- (4) School and LEA performance designations pursuant to § 49-1-602;
- (5) A comparison of expenditures by category and program for each LEA with statewide averages;

(6) Student dropout rates organized by school and LEA, disaggregated by sex and race;

(7) Student suspension and expulsion rates organized by school and LEA, disaggregated by sex and race;

(8) High school graduation rates organized by high school and LEA, disaggregated by sex and subgroup pursuant to applicable federal law. The high school graduation information must be placed on the annual state, LEA, and school-level report cards posted on the department's website;

(9) Alternative school performance indicators as reported to the department by LEAs pursuant to § 49-6-3405;

(10) A list of the advanced placement (AP) courses offered in each LEA and a list of the AP courses offered in each of the LEA's schools serving grades in which AP courses may be taken;

(11) The number of students taking AP courses and the percentage of students scoring three (3) or above on AP exams organized by each school and LEA serving grades in which AP courses may be taken;

(12) A list of the dual enrollment courses offered in each school and LEA and the number of dual enrollment courses taken by students enrolled in each of the LEA's schools serving grades in which dual enrollment courses may be taken;

(13) The percentage of students successfully completing dual enrollment courses, which must be reported by the LEA and by the school serving grades in which dual enrollment courses may be taken;

(14) ACT academic achievement data, including the number and percentage of students with a twenty-one (21) composite score or higher and the number and percentage of students meeting the college readiness benchmark in English, mathematics, reading, and science for each LEA and high school with at

least ten (10) students taking the exam. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from ACT; and

(15) SAT college-bound seniors district profile for each LEA with at least twenty-five (25) students taking the SAT. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from the college board.

SECTION 6. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) TCAP scores reported pursuant to subdivision (a)(3), or otherwise, must be disaggregated by subgroup.

SECTION 7. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

SECTION 8. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

SECTION 9. Tennessee Code Annotated, Section 49-1-1007, is amended by deleting the language "By July 1, 2017, and each July 1 thereafter," and substituting instead the language "By October 1, 2021, and each October 1 thereafter,".

SECTION 10. Tennessee Code Annotated, Section 49-2-116(d), is amended by deleting the last sentence.

SECTION 11. Tennessee Code Annotated, Section 49-2-406, is amended by deleting the section and substituting instead the following:

Each director of schools or local board of education shall make all reports required by the commissioner of education.

SECTION 12. Tennessee Code Annotated, Section 49-6-5001(a), is amended by deleting the language ", subject to the approval of the public health council,".

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however,

in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 14. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 15. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such

actions constitute grounds for dismissal, including dismissal of tenured employees.
Such actions are grounds for revocation of state licensure.

SECTION 16. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting the language "department of education".

SECTION 17. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting the language "GED® or HiSET®".

SECTION 18. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 19. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 20. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

SECTION 21. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 22. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 23. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 24. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 25. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 26. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 27. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®,".

SECTION 28. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 29. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 30. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 31. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 33. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 34. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 35. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021. Beginning July 1, 2021, the commission shall determine the timelines for approval and the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

SECTION 36. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 37. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 38. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 39. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(16);

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language "and regulations prepared by the commissioner".

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 43. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 44. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 45. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 46. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

SECTION 47. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 48. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word "guidelines" and substituting the language "rules, policies, and guidelines".

SECTION 49. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

SECTION 50. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

() Notwithstanding any other law, a public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

(1) One (1) race or sex is inherently superior to another race or sex;

(2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) An individual's moral character is determined by the individual's race or sex;

(5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) This state or the United States is fundamentally or irredeemably racist or sexist;

(9) Promoting or advocating the violent overthrow of the United States government;

(10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people; or

(11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

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

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

(4) Historical documents relevant to subdivisions (b)(1) - (3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

SECTION 52. If any provision of Section 51 or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of Section 51, or of this act, that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 53. Section 51 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2021-2022 school year and subsequent school years. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

From: Melanie Elsey
Sent: Saturday, May 8, 2021 6:26 PM
To: Fowler Arthur, Sarah
Subject: Final version of TN bill on CRT
Attachments: TN conference committee report passed 5.5.21 on HB580 and SB623.pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Rep. Fowler Arthur,

Attached is a copy of the final version of the Tennessee bill on CRT. It is the conference committee report. The CRT related language is toward the end of the document.

Thanks,
Melanie

Melanie Elsey
The Public Square®
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(800) 522-VOTE (8683)

**Conference Committee Report on
House Bill No. 580 / Senate Bill No. 623**

The House and Senate Conference Committee appointed pursuant to motions to resolve the differences between the two houses on House Bill No. 580 (Senate Bill No. 623) has met and recommends that all amendments be deleted.

The Committee further recommends that the following amendment be adopted:
by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 49-1-102, is amended by deleting subsections (a) and (b) and substituting:

(a) The system of public education in this state is governed in accordance with laws enacted by the general assembly and under rules, policies, standards, and guidelines adopted by the state board of education that are necessary for the proper operation of public education in pre-kindergarten through grade twelve (pre-K-12). The state board shall formulate the rules, policies, standards, and guidelines with assistance from the commissioner of education, as the state board may request.

(b) The commissioner shall perform the duties assigned to the commissioner by law and is responsible for the administration, implementation, supervision, and enforcement of the rules, policies, standards, and guidelines of the state board of education.

SECTION 2. Tennessee Code Annotated, Section 49-1-201(c)(14), is amended by deleting the subdivision.

SECTION 3. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (19) and substituting:

(19) Inspect, approve, and classify private schools in accordance with the rules of the state board of education;

SECTION 4. Tennessee Code Annotated, Section 49-1-201(c), is amended by deleting subdivision (20) and substituting:

(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

(C) The commissioner may prepare and promulgate, without board approval, rules that are solely necessary for the internal administrative operation and functions of the department. The department's authority does not supersede the powers of the state board and may be used only in performance of the commissioner's administrative responsibilities;

SECTION 5. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsection (a) and substituting instead the following:

(a) The commissioner of education shall annually publish information on the department's website, including, but not limited to:

(1) The results of state-conducted compliance and performance audits of LEAs;

(2) Value-added assessment organized by grade band, school, and LEA;

(3) School performance indicators including performance on the Tennessee comprehensive assessment program (TCAP), dropout rates, the number of waivers granted pursuant to § 49-1-201(d), local financial contribution to education, attendance rates, and other indicators of school performance adopted by the state board of education;

(4) School and LEA performance designations pursuant to § 49-1-602;

(5) A comparison of expenditures by category and program for each LEA with statewide averages;

(6) Student dropout rates organized by school and LEA, disaggregated by sex and race;

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(8) High school graduation rates organized by high school and LEA, disaggregated by sex and subgroup pursuant to applicable federal law. The high school graduation information must be placed on the annual state, LEA, and school-level report cards posted on the department's website;

(9) Alternative school performance indicators as reported to the department by LEAs pursuant to § 49-6-3405;

(10) A list of the advanced placement (AP) courses offered in each LEA and a list of the AP courses offered in each of the LEA's schools serving grades in which AP courses may be taken;

(11) The number of students taking AP courses and the percentage of students scoring three (3) or above on AP exams organized by each school and LEA serving grades in which AP courses may be taken;

(12) A list of the dual enrollment courses offered in each school and LEA and the number of dual enrollment courses taken by students enrolled in each of the LEA's schools serving grades in which dual enrollment courses may be taken;

(13) The percentage of students successfully completing dual enrollment courses, which must be reported by the LEA and by the school serving grades in which dual enrollment courses may be taken;

(14) ACT academic achievement data, including the number and percentage of students with a twenty-one (21) composite score or higher and the number and percentage of students meeting the college readiness benchmark in English, mathematics, reading, and science for each LEA and high school with at least ten (10) students taking the exam. The data shall not contain private or individual student information. The data must be included on the department's website; provided, that it is received by the department from ACT; and

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SECTION 6. Tennessee Code Annotated, Section 49-1-211, is amended by deleting subsections (b) and (c) and substituting instead the following:

(b) TCAP scores reported pursuant to subdivision (a)(3), or otherwise, must be disaggregated by subgroup.

SECTION 7. Tennessee Code Annotated, Section 49-1-302(a)(13), is amended by deleting the subdivision.

SECTION 8. Tennessee Code Annotated, Section 49-1-303, is amended by deleting the section.

SECTION 9. Tennessee Code Annotated, Section 49-1-1007, is amended by deleting the language "By July 1, 2017, and each July 1 thereafter," and substituting instead the language "By October 1, 2021, and each October 1 thereafter,".

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Each director of schools or local board of education shall make all reports required by the commissioner of education.

SECTION 12. Tennessee Code Annotated, Section 49-6-5001(a), is amended by deleting the language ", subject to the approval of the public health council,".

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection

with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 14. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 15. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of tenured employees. Such actions are grounds for revocation of state licensure.

SECTION 16. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting the language "department of education".

SECTION 17. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting the language "GED® or HiSET®".

SECTION 18. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 19. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 20. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

SECTION 21. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 22. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 23. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of

any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 24. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 25. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 26. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 27. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®".

SECTION 28. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 29. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 30. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 31. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 33. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 34. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 35. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021. Beginning July 1, 2021, the commission shall determine the timelines for approval and

the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

SECTION 36. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 37. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 38. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 39. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(16);

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language "and regulations prepared by the commissioner".

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 43. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 44. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 45. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 46. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

SECTION 47. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 48. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word "guidelines" and substituting the language "rules, policies, and guidelines".

SECTION 49. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this

subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

SECTION 50. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

() Notwithstanding any other law, a public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

- (1) One (1) race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;
- (3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;
- (4) An individual's moral character is determined by the individual's race or sex;
- (5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) This state or the United States is fundamentally or irredeemably racist or sexist;

(9) Promoting or advocating the violent overthrow of the United States government;

(10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

(11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;

(12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;

(13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or

(14) Governments should deny to any person within the government's jurisdiction the equal protection of the law.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

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

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

(4) Historical documents relevant to subdivisions (b)(1) - (3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

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SECTION 53. Section 51 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2021-2022 school year and subsequent school years. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Senator Kerry Roberts

Representative John Ragan

Senator Brian Kelsey

Representative Scott Cepicky

Senator Mike Bell

Representative Mark White

Senator Brenda Gilmore

Representative Yusuf Hakeem

Senator Jack Johnson

From: Melanie Elsey
Sent: Saturday, May 8, 2021 6:26 PM
To: Fowler Arthur, Sarah
Subject: Final version of TN bill on CRT
Attachments: TN conference committee report passed 5.5.21 on HB580 and SB623.pdf

Follow Up Flag: Follow up
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Thanks,
Melanie

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(A) Prepare and present to the state board of education for its approval, disapproval, or amendment rules that are necessary to implement the policies, standards, or guidelines of the state board or the education laws of the state;

(B) In the absence of the state board, the commissioner shall have, if necessary, the emergency rulemaking authority provided for in the Uniform Administrative Procedures Act, compiled in title 4, chapter 5; and

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SECTION 12. Tennessee Code Annotated, Section 49-6-5001(a), is amended by deleting the language ", subject to the approval of the public health council,".

SECTION 13. Tennessee Code Annotated, Title 49, Chapter 7, Part 1, is amended by adding the following as a new section:

(a) The governing body of the University of Tennessee system, the state university and community college system, or a state university may lease public lands under the governing body's jurisdiction to fraternities and sororities for a nominal consideration for a term not to exceed ninety-nine (99) years. A majority of the governing body may direct the chancellor, president, or chair of the governing body to execute the leases on behalf of the public institution of higher education; provided, that the leases are approved by the governor and the attorney general and reporter. A governing body shall consent in writing before a lease under this section is assigned or the premises are sublet or subleased. Prior to the commencement of the construction or installation of any improvement, the governing body shall approve the plans and specifications pertaining to the improvement. The governing body shall approve material alterations and all additions to the improvements constructed or installed on the premises prior to the commencement of the alterations or additions. The governing body shall promulgate rules for the operation and maintenance of the leased properties. At the end of the term of any lease, and in the event that any lessee violates the lessee's lease agreement or any rule adopted pursuant to this section, or violates this section, the lease terminates and the improved premises become the exclusive property of the governing body. The governing body shall take possession of the property. The lease may contain a provision for an option to renew the lease when the lease expires upon the conditions that the premises are not needed for use for other purposes in connection

with the state's educational program and the building and improvements are suitable for occupancy without major repairs, remodeling, or alterations in accordance with the generally accepted standards for housing prevailing at public institutions of higher education. If the governing body does not renew a lease at the end of the term, then the governing body may pay the lessee the reasonable value of the improvements; however, in the event that the lease is not renewed, the title to the improvements vests in the state, and the state shall take possession of the premises, including the improvements, upon the expiration of the term.

(b) Any construction or installation of any improvements upon the property of a public institution of higher education by a fraternity or sorority pursuant to a lease agreement with the governing body is exempt from § 4-15-102(c), and from the Prevailing Wage Act for State Highway Construction Projects, compiled in title 12, chapter 4, part 4; provided, that the fraternity or sorority shall solicit competitive bids for the construction or installation and shall award the construction or installation contract to the lowest qualified bidder unless the fraternity or sorority can secure the work from alumni or supporters at a lesser cost than the lowest qualified bid.

SECTION 14. Tennessee Code Annotated, Section 49-1-305, is amended by deleting subsection (b) and substituting:

(b) The state board's staff is subject to personnel rules and policies that are applicable to state employees in general, including leave, compensation, classification, and travel rules and policies. The state board controls the work of the executive director and may terminate the executive director's employment. The state board and the executive director, in accordance with subsection (a), have the sole authority to appoint, terminate, and control staff employees. The board's employees do not have preferred service status.

SECTION 15. Tennessee Code Annotated, Section 49-1-607, is amended by deleting the section and substituting:

A person found to have violated security guidelines for administration of the Tennessee comprehensive assessment program (TCAP) test, or a successor test, including making or distributing unauthorized copies of the test, altering a grade or answer sheet, providing copies of answers or test questions, or otherwise compromising the integrity of the testing process must be placed on immediate suspension, and such actions constitute grounds for dismissal, including dismissal of tenured employees. Such actions are grounds for revocation of state licensure.

SECTION 16. Tennessee Code Annotated, Section 49-1-703, is amended by deleting the language "state board of education" and substituting the language "department of education".

SECTION 17. Tennessee Code Annotated, Section 49-2-202(a)(4), is amended by deleting the language "GED®" wherever it appears and substituting the language "GED® or HiSET®".

SECTION 18. Tennessee Code Annotated, Section 49-5-108(c)(5), is amended by deleting the language "supervisor, principal, or" wherever it appears.

SECTION 19. Tennessee Code Annotated, Section 49-5-108, is amended by deleting subsection (e) and substituting:

(e) Institutions with authorized teacher training programs shall ensure that persons seeking licensure in this state receive appropriate instruction in the teaching of reading.

SECTION 20. Tennessee Code Annotated, Section 49-5-111, is amended by deleting subsection (a) and substituting:

(a) Educational assistants shall have, at a minimum, a high school diploma, GED®, or HiSET®, and shall show demonstrable proficiency in reading and writing skills.

SECTION 21. Tennessee Code Annotated, Section 49-5-411(b), is amended by deleting subdivision (4) and substituting:

(4) If the state board of education finds that a teacher has broken the teacher's contract, then the state board may suspend the teacher's license for no less than thirty (30) days and no more than three hundred sixty-five (365) days;

SECTION 22. Tennessee Code Annotated, Section 49-6-108, is amended by deleting subdivision (7).

SECTION 23. Tennessee Code Annotated, Section 49-6-3001, is amended by deleting subsections (a) and (b) and substituting:

(a) The public schools are free to all persons residing within the state who are above five (5) years of age, or who will become five (5) years of age on or before August 15.

(b)

(1) Any child residing within the state who is five (5) years of age, or who will become five (5) years of age on or before August 15, may enter the public school designated by the local board of education having appropriate jurisdiction at the beginning of the term; provided, that the child enters within thirty (30) days after the opening day of the term.

(2)

(A) Any child who will not become five (5) years of age until after December 31 shall not enter school during that school year; provided, that LEAs having semiannual promotions may admit, at the beginning of

any semester, children who will become five (5) years of age within sixty (60) days following the opening of the semester.

(B) Notwithstanding subdivision (b)(2)(A), if the director of schools finds through evaluation and testing, at the request of the parent or legal guardian, that a child who is five (5) years of age on or before September 30 is sufficiently mature emotionally and academically, then the child may be permitted to enter kindergarten.

(3) Where a student meets the requirements of the state board of education for transfer or admission purposes, the student may be admitted by a local board of education, notwithstanding any other provision or act to the contrary.

SECTION 24. Tennessee Code Annotated, Section 49-6-3001(c)(2)(B), is amended by deleting the first sentence of the subdivision and substituting:

Is enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or who has obtained a GED® or HiSET®.

SECTION 25. Tennessee Code Annotated, Section 49-6-3001(d), is amended by deleting the subsection.

SECTION 26. Tennessee Code Annotated, Section 49-6-3017(b)(1), is amended by deleting the subdivision and substituting:

(1) Enrolled and making satisfactory progress in a course leading to a GED® or HiSET® from a state-approved institution or organization, or has obtained a GED® or HiSET®;

SECTION 27. Tennessee Code Annotated, Section 49-6-3017(d), is amended by deleting the language "GED®" and substituting "GED®, HiSET®,".

SECTION 28. Tennessee Code Annotated, Section 49-6-3017(f), is amended by deleting the language "GED®" wherever it appears and substituting "GED® or HiSET®".

SECTION 29. Tennessee Code Annotated, Section 49-6-3050(a)(2), is amended by deleting subdivision (B) and substituting:

(B) Parent-teachers who register with an organization, as defined by § 49-50-801, for conducting a home school for students in grades nine through twelve (9-12) must possess at least a high school diploma, GED®, or HiSET®.

SECTION 30. Tennessee Code Annotated, Section 49-6-3050(b)(4), is amended by deleting the subdivision and substituting:

(4) Possession of a high school diploma, GED®, or HiSET® by the parent-teacher;

SECTION 31. Tennessee Code Annotated, Section 49-6-3110, is amended by deleting the section.

SECTION 32. Tennessee Code Annotated, Section 49-6-5002, is amended by deleting subsection (b).

SECTION 33. Tennessee Code Annotated, Section 49-6-6001(g), is amended by deleting the language "general equivalency development credential (GED®)" and substituting "GED® or HiSET®".

SECTION 34. Tennessee Code Annotated, Section 49-6-8103(c)(2), is amended by deleting the language "eighteen (18) credits" and substituting "seventeen (17) credits".

SECTION 35. Tennessee Code Annotated, Section 49-13-110, is amended by deleting subsection (d) and substituting:

(d) The governing body of the public charter school may petition the authorizer to amend the original charter agreement. The state board of education shall determine the timelines for approval and the appeal process until 11:59 p.m. on June 30, 2021.

Beginning July 1, 2021, the commission shall determine the timelines for approval and

the appeal process. If the authorizer is the state board of education or the commission, then an appeal shall not be made of the state board of education's or the commission's decision to deny a petition to amend the charter agreement. The governing body of a public charter school may petition the authorizer for voluntary termination of the charter agreement before the charter agreement expires.

SECTION 36. Tennessee Code Annotated, Section 4-5-231, is amended by adding the following language as a new subsection:

(c) Subsection (b) does not apply to the state board of education.

SECTION 37. Tennessee Code Annotated, Section 49-1-1002(b)(1), is amended by deleting the language "Section 49-6-1005(a) and the" and substituting "The".

SECTION 38. Tennessee Code Annotated, Section 49-3-318(b)(1), is amended by deleting the language "The system shall consist of three (3) grant programs as follows:" and substituting instead the language "The system consists of the following grant programs:".

SECTION 39. Tennessee Code Annotated, Section 49-7-2109, is amended by deleting subsection (d).

SECTION 40. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subdivision (16) and substituting:

(16) Develop and adopt a uniform grading system to be implemented in all public schools in the state for purposes of calculating the cumulative grade point averages of students who are seeking financial academic assistance provided by the state. The state board may promulgate rules for the administration of this subdivision (a)(16);

SECTION 41. Tennessee Code Annotated, Section 49-1-302(a)(11), is amended by deleting the language "and regulations prepared by the commissioner".

SECTION 42. Tennessee Code Annotated, Section 49-1-302(a)(2), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 43. Tennessee Code Annotated, Section 49-1-302(a)(5)(A), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 44. Tennessee Code Annotated, Section 49-1-302(a)(6), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 45. Tennessee Code Annotated, Section 49-1-302(a)(7), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 46. Tennessee Code Annotated, Section 49-1-302(a), is amended by deleting subsection (8) and substituting:

(8) Approve all academic standards and adopt rules and policies governing courses of study in the public schools;

SECTION 47. Tennessee Code Annotated, Section 49-1-302(a)(12), is amended by deleting the word "policies" and substituting the language "rules and policies".

SECTION 48. Tennessee Code Annotated, Section 49-1-302(a)(17), is amended by deleting the word "guidelines" and substituting the language "rules, policies, and guidelines".

SECTION 49. Tennessee Code Annotated, Section 49-1-302(d)(2)(A), is amended by deleting the subdivision and substituting:

(A) The committee shall develop and recommend to the board guidelines and criteria for the annual evaluation of all teachers and principals employed by LEAs, including a local level evaluation grievance procedure. This grievance procedure must provide a means for evaluated teachers and principals to challenge only the accuracy of the data used in the evaluation and the adherence to the evaluation policies adopted pursuant to this subdivision (d)(2). Following the development of these guidelines and criteria, the board shall adopt rules and policies. The evaluations must be a factor in employment decisions, including, but not necessarily limited to, promotion, retention, termination, compensation, and the attainment of tenure status; however, this

subdivision (d)(2)(A) does not require an LEA to use student achievement data based on state assessments as the sole factor in employment decisions.

SECTION 50. Tennessee Code Annotated, Section 49-5-108(c), is amended by adding the following as a new subdivision:

() Notwithstanding any other law, a public school teacher is not required to take an assessment to reactivate a license from this state that has expired if at the time of application to reactivate the license, the public school teacher possesses an active professional license in a state that has a reciprocal agreement with the state board of education pursuant to § 49-5-109.

SECTION 51. Tennessee Code Annotated, Title 49, Chapter 6, Part 10, is amended by adding the following as a new section:

(a) An LEA or public charter school shall not include or promote the following concepts as part of a course of instruction or in a curriculum or instructional program, or allow teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include or promote the following concepts:

(1) One (1) race or sex is inherently superior to another race or sex;

(2) An individual, by virtue of the individual's race or sex, is inherently privileged, racist, sexist, or oppressive, whether consciously or subconsciously;

(3) An individual should be discriminated against or receive adverse treatment because of the individual's race or sex;

(4) An individual's moral character is determined by the individual's race or sex;

(5) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(6) An individual should feel discomfort, guilt, anguish, or another form of psychological distress solely because of the individual's race or sex;

(7) A meritocracy is inherently racist or sexist, or designed by a particular race or sex to oppress members of another race or sex;

(8) This state or the United States is fundamentally or irredeemably racist or sexist;

(9) Promoting or advocating the violent overthrow of the United States government;

(10) Promoting division between, or resentment of, a race, sex, religion, creed, nonviolent political affiliation, social class, or class of people;

(11) Ascribing character traits, values, moral or ethical codes, privileges, or beliefs to a race or sex, or to an individual because of the individual's race or sex;

(12) The rule of law does not exist, but instead is a series of power relationships and struggles among racial or other groups;

(13) All Americans are not created equal and are not endowed by their Creator with certain unalienable rights, including, life, liberty, and the pursuit of happiness; or

(14) Governments should deny to any person within the government's jurisdiction the equal protection of the law.

(b) Notwithstanding subsection (a), this section does not prohibit an LEA or public charter school from including, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees of the LEA or public charter school to use supplemental instructional materials that include:

(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with part 22 of this chapter;

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

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

(4) Historical documents relevant to subdivisions (b)(1) - (3) that are permitted under § 49-6-1011.

(c) If the commissioner of education finds that an LEA or public charter school knowingly violated this section, then the commissioner shall withhold state funds, in an amount determined by the commissioner, from the LEA or public charter school until the LEA or public charter school provides evidence to the commissioner that the LEA or public charter school is no longer in violation of this section.

SECTION 52. If any provision of Section 51 or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of Section 51, or of this act, that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 53. Section 51 of this act takes effect upon becoming a law, the public welfare requiring it, and applies to the 2021-2022 school year and subsequent school years. All other sections of this act take effect upon becoming a law, the public welfare requiring it.

Senator Kerry Roberts

Representative John Ragan

Senator Brian Kelsey

Representative Scott Cepicky

Senator Mike Bell

Representative Mark White

Senator Brenda Gilmore

Representative Yusuf Hakeem

Senator Jack Johnson

From: Rep76

Sent: Monday, May 10, 2021 11:31 AM

To: House_All

Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Ohio House of Representatives



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;

- Creating feelings of discomfort, guilt, anguish, or any other form of psychological distress in individuals on account of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race, color, nationality, or sex is inherently superior to another race, color, nationality, or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 28th at noon.**

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep76

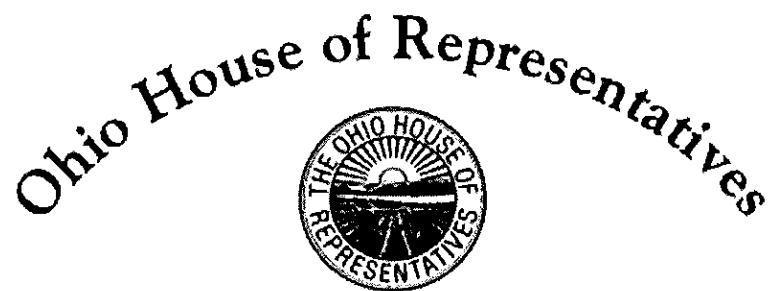
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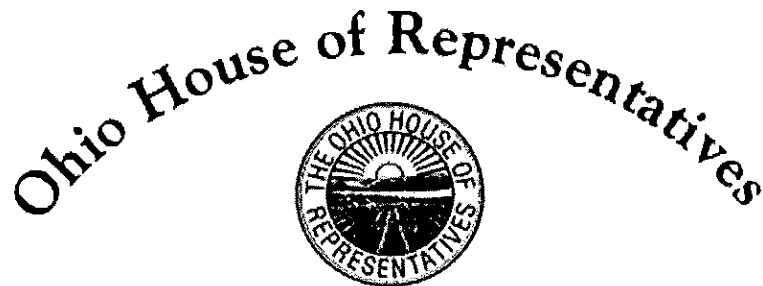
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State Representative
Ohio House District 76

From: Fowler Arthur, Sarah
Sent: Monday, May 10, 2021 3:38 PM
To: Rep76; Strobe, Lauren
Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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Sarah

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State Representative
Ohio House District 76

From: Rep76

Sent: Monday, May 10, 2021 3:43 PM

To: Fowler Arthur, Sarah; Strope, Lauren

Subject: RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Rep. Fowler Arthur—you've been added as a cosponsor to the legislation.

Representative Grendell appreciates the support!

-Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76th House District

(614)-644-5088

<http://www.ohiohouse.gov/diane-grendell>

From: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>

Sent: Monday, May 10, 2021 3:38 PM

To: Rep76 <Rep76@ohiohouse.gov>; Strope, Lauren <Lauren.Strope@ohiohouse.gov>

Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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Sent: Monday, May 10, 2021 11:31:19 AM

To: House_All <House_All@ohiohouse.gov>

Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Ohio House of Representatives



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives
From: Representative Diane V. Grendell
Date: May 10, 2021
RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Creating feelings of discomfort, guilt, anguish, or any other form of psychological distress in individuals on account of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race, color, nationality, or sex is inherently superior to another race, color, nationality, or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 28th at noon.**

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep76

Sent: Monday, May 10, 2021 3:43 PM

To: Fowler Arthur, Sarah; Strobe, Lauren

Subject: RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Rep. Fowler Arthur—you've been added as a cosponsor to the legislation.

Representative Grendell appreciates the support!

-Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76th House District

(614)-644-5088

<http://www.ohiohouse.gov/diane-grendell>



From: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>

Sent: Monday, May 10, 2021 3:38 PM

To: Rep76 <Rep76@ohiohouse.gov>; Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>

Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

I would like to co sponsor, thank you.
Sarah

Get [Outlook for Android](#)

From: Rep76 <Rep76@ohiohouse.gov>

Sent: Monday, May 10, 2021 11:31:19 AM

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Subject: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Fowler Arthur, Sarah
Sent: Wednesday, May 12, 2021 4:05 PM
To: Strobe, Lauren
Subject: CRT letter

Lauren,
Please put this on my official letterhead and send to members who have requested the information. Additionally, please attach any additional information we have received from our presenters.
Thank you!
Sarah

Sarah Fowler Arthur
Ohio State Representative
99th District
o.614-466-1405

Colleagues,

Thank you for taking time out of your busy schedules to learn more about Critical Race Theory in Ohio last week. It was a thoughtful and productive conversation, which we will be continuing on **Wednesday, May 19th at 9am in the Majority Conference Room on the 15th floor.**

Our next guest will be Vice-President of the Ohio State Board of Education, Charlotte McGuire. Mrs. McGuire will share her story of growing up under Jim Crowe laws in the south as a black girl, as well as how to combat racism and why Critical Race Theory does not meet these goals. We will try to keep the presentation under 20 minutes to be respectful of your time and there will be a roundtable discussion afterwards for those who are able to stay.

I encourage you to take time to join us for at least half an hour on Wednesday morning to hear this vital information from Mrs. McGuire. Thank you!

Representative Sarah Fowler Arthur

P.S. Please find attached several resources that we have received from last week's presenters, as well as contact information should you like to follow up with any of the ladies personally. Thank you again! Sarah

From: Fowler Arthur, Sarah
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From: Fowler Arthur, Sarah
Sent: Wednesday, May 12, 2021 4:11 PM
To: 'cdmcguire1@gmail.com'
Subject: Invitation May 19 - 9am

Charlotte,
Per our conversation, I have scheduled a room and invited my colleagues to hear your thoughts on Critical Race Theory and combating racism.

We have already had a pretty thorough discussion of WHAT Critical Race Theory is. If you would like to recap that briefly, tell us about your personal experiences with racism and how you believe we should combat it, as well as sharing WHY Critical Race Theory does not do this, it would fill in some gaps for us. Additionally, please help us understand the semantics and nuancing so we understand the conversation better. We will need to keep our formal presentation to 15 minutes but there will be about 45 minutes to expand upon additional concepts in Q & A.

Thank you for taking the time to share with us!
Sarah

Here is what I sent to my colleagues with Wednesday morning's information:

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99th District
o.614-466-1405

From: Rep76

Sent: Wednesday, May 12, 2021 4:22 PM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

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The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 28th at noon**.

Sincerely,



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Ohio House District 76

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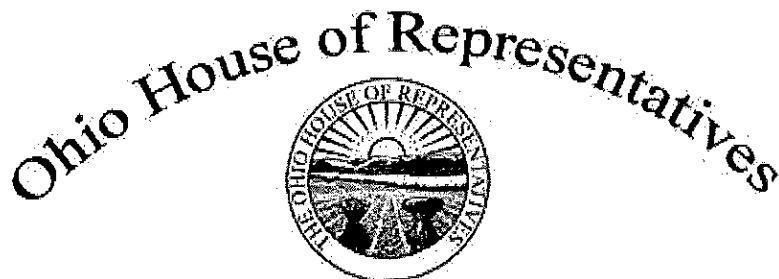
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State Representative
Ohio House District 76

From: Strobe, Lauren
Sent: Wednesday, May 12, 2021 4:33 PM
Subject: Information Roundtable
Attachments: Contact Info.pdf



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur
RE: CRT Information RoundTable
Date: May 12th, 2021

Dear Colleagues,

Thank you for taking time out of your busy schedules to learn more about Critical Race Theory in Ohio last week. It was a thoughtful and productive conversation, which we will be continuing on **Wednesday, May 19th at 9am in the Majority Conference Room on the 15th floor.**

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https://smile.amazon.com/dp/1684511801/ref=cm_sw_r_cp_apr_glt_fabc_3R8BVVWV17RQ8KKRY9QGC?encoding=UTF8&psc=1

<https://youtu.be/xuSMviVtd0A>



Dr. Jenny Shafer Kilgore
State Board of Education
 District 4

200 East Sharon Road
 Glendale, OH 45246
 513-382-9869

Jenny.Kilgore@education.ohio.gov
 sboc.ohio.gov



**REPUBLICAN PARTY OF
 MEDINA COUNTY**
 WWW.MEDINAGOP.COM

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home: 330.241.5226 cell: 330.410.6733
 7645 Norwalk Road • Medina, OH 44256
 Party Headquarters: 2771 Medina Road Medina OH 44256 330.723.0415

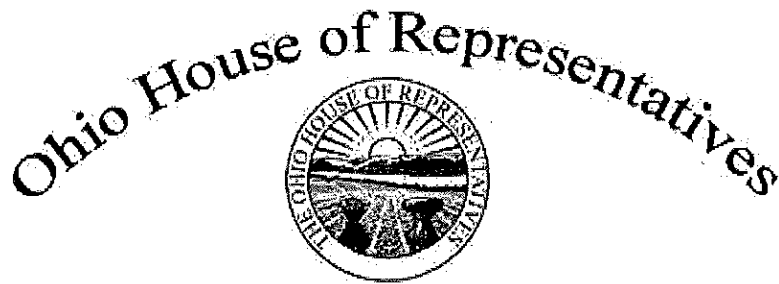


Kirsten Hill - District 2
State Board of Education
 Erie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood Counties

44905 N. Ridge Rd.
 Amherst, OH 44001
 440.1201-2306

Kirsten.Hill@education.ohio.gov
 sboc.ohio.gov

From: Strobe, Lauren
Sent: Wednesday, May 12, 2021 4:33 PM
Subject: Information Roundtable
Attachments: Contact Info.pdf



Representative Sarah Fowler Arthur

To: All House Members
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RE: CRT Information RoundTable
Date: May 12th, 2021

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 District 4

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**REPUBLICAN PARTY OF
 MEDINA COUNTY**
 WWW.MEDINAGOP.COM

LISA WOODS

Central Committee York Twp A
 email: lisawoods@mcfan.org

home: 330.241.5226 cell: 330.410.6733

7645 Norwalk Road • Medina, OH 44256

Party Headquarters: 2771 Medina Road Medina OH 44256 330.723.0415



Kirsten Hill - District 2
State Board of Education

rie, Fulton, Huron, Lorain, Lucas, Ottawa, Wood Counties

44905 N. Ridge Rd.
 Amherst, OH 44001
 440 1 201-2306

Kirsten.Hill@education.ohio.gov
 sbos.ohio.gov

From: Thomas, AJ

Sent: Friday, May 14, 2021 10:16 AM

To: Headlee, Adam

Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members

From: Representatives Don Jones & Adam Bird

Date: May 14th, 2021

Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

We will soon be introducing legislation that will prohibit the inculcating of critical race theory and the use of “action civics” in our classrooms.

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist “woke-ism” has come a long way from Martin Luther King, Jr.’s dream where people would “not be judged by the color of their skin but by the content of their character” to flat out saying “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination,” and so on.

CRT teaches that racism is built into our American system and not the result of bad actors. CRT’s lessons also categorize certain racial and religious identities as inherently ‘oppressive,’ and instructs our children who fall into these demographics to accept the label ‘oppressor.’ This is plain wrong.

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

(1) One race or sex is inherently superior to another race or sex;

(2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;

- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

This bill will also address "action civics" where class credit is given for not just participating in our system of government, but actively advocating for a specific position. Our children absolutely need to learn our government processes, but not because they are pushing an agenda from a teacher or school, or even potentially being dinged by a teacher for advocating for the "wrong position." Coursework should be about learning, not advocating.

Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classrooms.

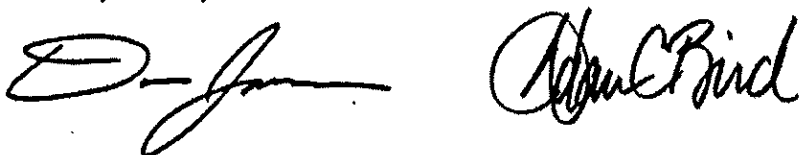
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and we would like your support for this bill that will maintain strong and good civics in our classrooms.

If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ

Sent: Friday, May 14, 2021 10:16 AM

To: Headlee, Adam

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Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
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- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
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Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classrooms.

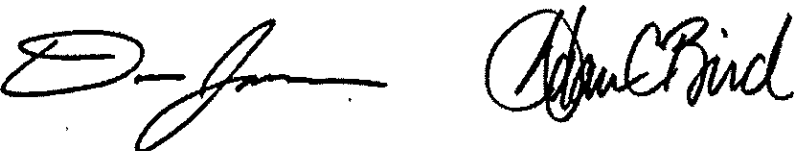
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If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Rep76

Sent: Friday, May 14, 2021 4:55 PM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

When individuals of any race, color, nationality, or sex are viewed or judged based collectively on their race, color, nationality, or sex, a great injustice is committed. Such effort to pit one race or group against another is divisive, and by definition, racist. Such divisive concepts have the power to breed prejudice, generalizations, and resentment towards others. Within our history as a nation, there have been unfortunate circumstances in which this injustice has prevailed, with individuals facing discrimination as a result of race or sex. Far worse, is teaching and encouraging future generations of individuals that it is acceptable to practice this divisive behavior.

My proposed legislation seeks to ensure that our state education system and state entities are prohibited from the following:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race, color, nationality, or sex;
- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are

inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;

- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
- Engaging in any conduct or educational activity that promotes or teaches the concept that one race or sex is inherently superior to another race or sex;
- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 28th at noon**.

Sincerely,



Diane V. Grendell
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State Representative
Ohio House District 76

From: Rep99
Sent: Monday, May 17, 2021 9:44 AM
Subject: CRT Information
Attachments: Woke Racism in School (K. Hill).pdf

Good morning,

As requested in the meeting a few weeks ago with Dr. Jenny Kilgore, Kirsten Hill and Lisa Woods I have attached their presentation with information about Critical Race Theory. There are links to additional resources included within the file.

Lauren Strobe
Legislative Aide | District 99
Representative Sarah Fowler Arthur
Ohio House of Representatives
614-466-1405

How are OBE members promoting?

- **Kohler & DeMaria at Cleveland City Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)
- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)
- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

- **OBE meeting agendas include presentations from local superintendents presenting their equity work.**
- **Dackin, chair of OBE legislative sub-committee, “We will look at everything through an equity lense.” (paraphrased.)**
- **Kohler denial of public comment at OBE meetings based on anticipated topic of member of the public.**

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfYUfCcTbp3NoDmxKZUjAN7xMiVuhqIINBIZKz-lh7yPPqTPFgYzmd5NgKtEdpVugB6GoZwPWR/pubhtml>
- **This was posted on the ODE website until taken down in fall, 2020.**
- **Link to 1619 Project is on ODE website. Link:** <http://education.ohio.gov/Topics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>
- **DeMaria presented to OBE at meeting about new rubric being used to screen the S.S. content posted on ODE website.**
- **Grants are going to local Ohio districts for equity work.**
- **Equity training webinars offered by ODE (April-May, 2021)**

How is ODE implementing?

Paraphrasing of phrasing

- Yano, “**Looking at legislation through an equity lens.**”
- Superintendent DeMaria often points out the **equity** is our highest aspiration as in Strategic Plan “Each **Child Our Future**” . We do all our work looking through a diversity, inclusion and equity.

How are local school districts implementing?

- **Gahanna-Jefferson** (Licking County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Athens City Schools** (Athens County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Northwest Local** (Hamilton County) <http://education.ohio.gov/Topics/Equity-in-Education>
- **Hilliard City Schools** (Franklin County) Part 1 <https://www.youtube.com/watch?v=SACNA11odVA>

Part 2 https://www.youtube.com/watch?v=L07_g-89FFA

- **Beachwood**
- **Rocky River**

How are local school districts implementing?

- **Kings Local Schools** (Warren County)
 - <https://www.youtube.com/watch?v=jvzLLOu-fRo>
 - <https://www.kingslocal.net/district-resources/cultural-competence%2C-equity-%2B-inclusion-33/>
- **Lakota Local Schools** (Butler County)
 - <https://www.youtube.com/watch?v=k7LE71U9n9w>
- **Ohio Department of Education website - local school presentations at Ohio Board of Education meetings Link:** <http://education.ohio.gov/Topics/Equity-in-Education>

Others assisting with implementing CRT?

- **Ohio School Board Association** - <https://www.ohioschoolboards.org/diversity-equity-consulting-services>
- **Ohio Council for the Social Studies - links “The 1619 Project Grant Opportunity” on website. The 1619 Project Education Network (Pullitzer Center) is giving out \$5,000 grants to teachers who apply. Facebook is the lead supporter.**

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydM YUM9o9mmFo-55l

Teacher Pipeline

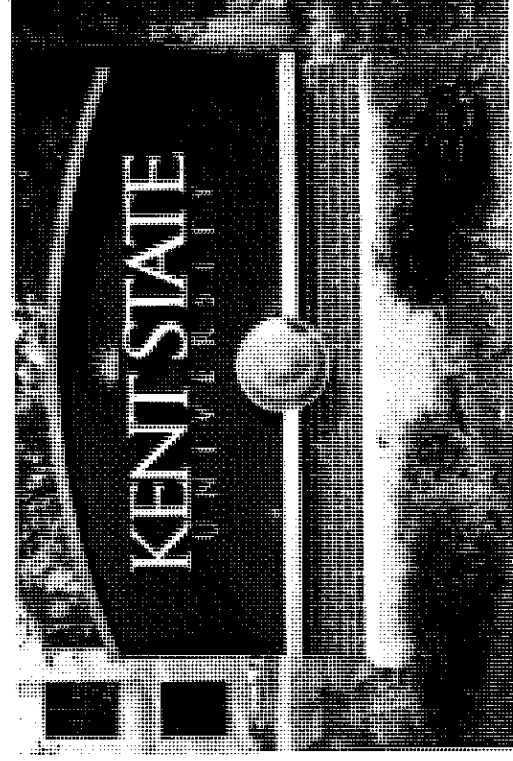
THE COLLEGE FIX

ORIGINAL STUDENT REPORTED. YOUR DAILY DOSE OF RIGHT-MINDED NEWS AND COMMENTARY FROM ACROSS THE NATION.

HIGHER EDUCATION RACIAL ISSUES

Kent State establishes 'Anti-Racism and Equity Institute' to become an 'exemplar in race scholarship'

ESTHER WERMER - BOYCE COLLEGE • MARCH 26, 2021



THE CORNER

EDUCATION

How to Keep CRT and Action Civics Out of K-12

By STANLEY KURTZ | April 29, 2021 8:05 AM



How is Federal government implementing?

• Kurtz's explains "Civics Secures Democracy Act" - \$6 billion in grants by U.S. DOE

Responses (in Ohio)

- Testimony at OBE meetings September, October & November

September testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/September%2021-22-2020/Public%20Participation/>

October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

November testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/November-2020/Public%20Participation/>

- ODE quietly removed the Anti-Racist, Allyship Starter Pack (teacher material list) from ODE website but will not remove 1619 Project.

Responses (nat'l)

- 1619 Project debunked by Peter Wood's book, 1620



1620

*A Critical Response
to the 1619 Project*

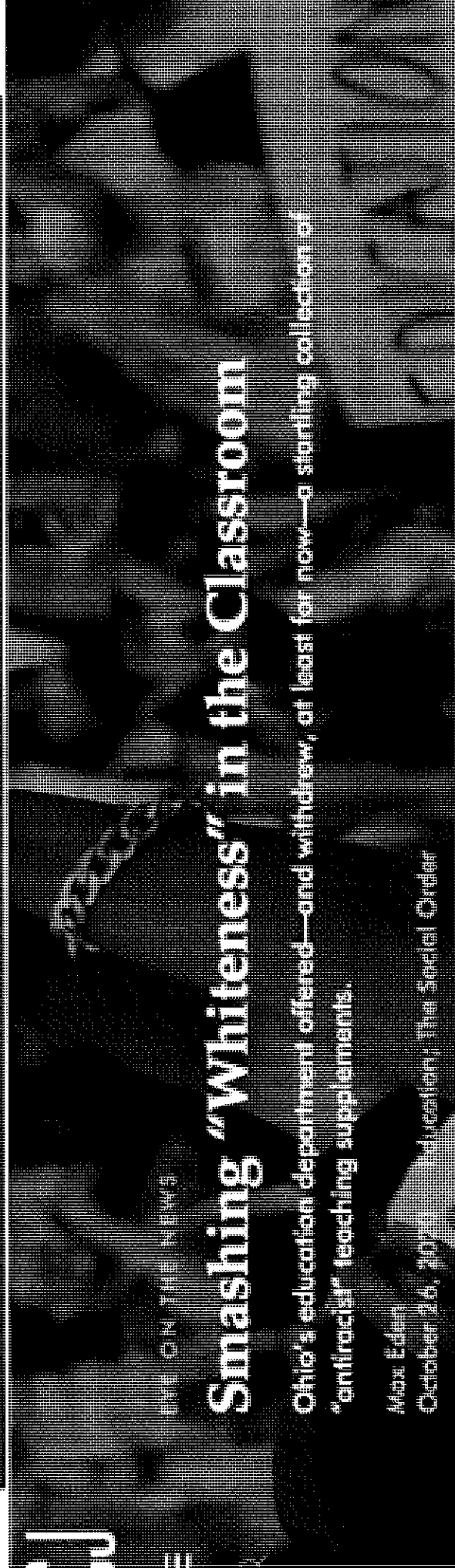
PETER W. WOOD

Originalist Media Inc.

Responses

- Review of **1620** by Phil Magness, senior research fellow, American Institute for Economic Research.
- *Peter Wood's survey of the landscape of scholarly criticism has provided a valuable service, both in assessing the heated historical debates around the 1619 Project and by offering readers an accessible roadmap with which to navigate its many controversies. Unfortunately, the New York Times has thus far conspicuously avoided the most salient criticism of its work. This helpful guide masterfully curates the scholarly scrutiny that the newspaper evaded and ignored, equipping the reader to approach the 1619 Project with a discerning eye for evidence-based history.*

Literature



THE CIN THE NEWS

Smashing “Whiteness” in the Classroom

Ohio’s education department offered—and withdrew, at least for now—a startling collection of “antiracist” teaching supplements.

Max Eden

October 26, 2021 Publication: The Social Order

- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

Literature

- **The Diversity Delusion** by Heather MacDonald
- **Crimes of the Educators** by Samuel Blumenthal
and Alex Newman
- **“Action Civics Replaces Citizenship with
Partisanship”** by Stanley Kurtz [https://americanmind.org/memo/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memo/action-civics-replaces-citizenship-with-partisanship/)
- **”Making Citizens: How American Universities
Teach Civics”** by David Randall [https://www.nas.org/reports/
making-citizens-how-american-universities-teach-civics](https://www.nas.org/reports/making-citizens-how-american-universities-teach-civics)

Literature



STOP CRITICAL RACE
THEORY IN OHIO

- **Extensive list of resources on the Stop Critical Race Theory dot com website - Link: <https://stopcriticalracetheory.com/resources/>**
- **Common Critical Race Theory Vocabulary - Link: <https://kirstenhill.com/2021/05/13/common-vocabulary-of-critical-race-theory/>**

Videos

- **OBE board meetings on The Ohio Channel (2020 - July through Dec.; 2021 - Jan through May)**
- **“What are your kids learning in school?”** <https://www.prageru.com/video/what-are-your-kids-learning-in-school/>

What you can do

(for the U.S.A, for Western Civilization)

- **IMPORTANT**
- **Comment of Federal Register**
- **Take Action** –Comments are being received at the Federal Register website on the latest push to change American History and Civics Education. The proposed rule change is coming out of the Biden U.S. Department of Education. Make **comments here by May 19, 2021**: <https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>. The New York Times 1619 Project and Kendi's book, How to be an Antiracist, are referenced and linked in support of this proposed rule.

What you can do

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• **Scan this barcode**
to comment on
Federal Education
Rule



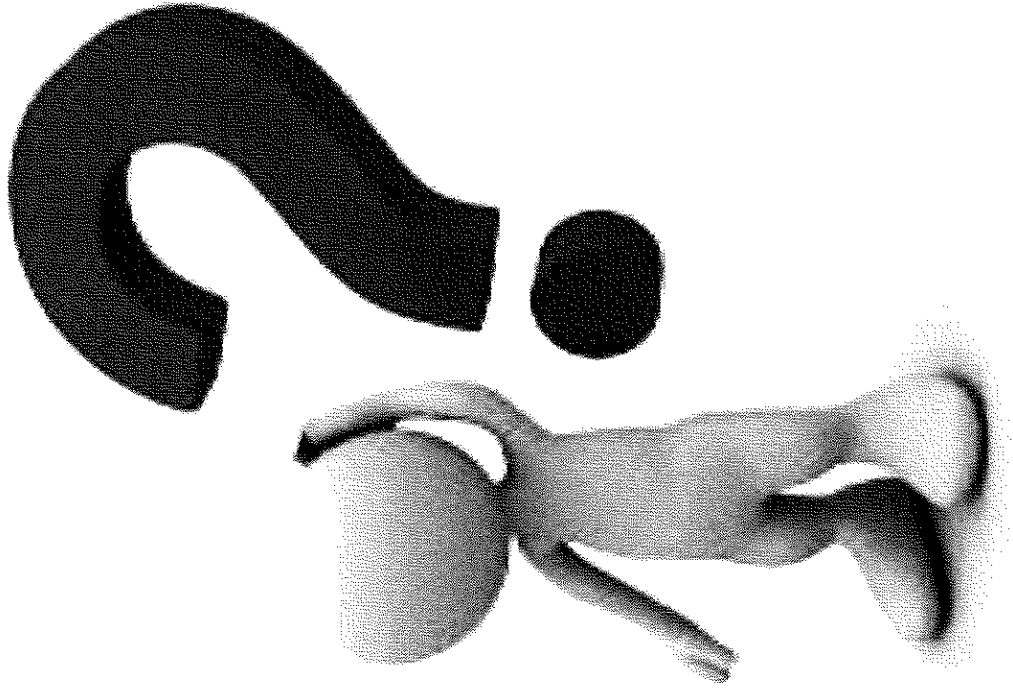
Speaker

**Kara Molfetta, parent,
Lakota Local Schools.**

withlovefrommini@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: Thomas, AJ

Sent: Monday, May 17, 2021 3:35 PM

To: Headlee, Adam

Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



REMINDER: Deadline to Co-Sponsor is WEDNESDAY at 5:00pm. Thank you for your consideration.

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If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

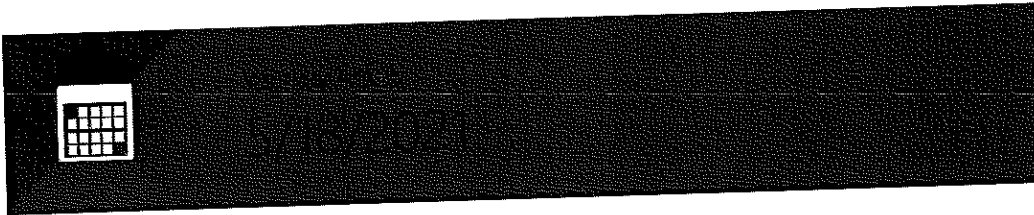
Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Microsoft Outlook Calendar
Sent: Tuesday, May 18, 2021 3:09 AM
To: Fowler Arthur, Sarah
Subject: Daily schedule on Tuesday, May 18, 2021



Today's events

10:30 AM - 11:00 AM

Meeting - Critical Race Theory

15th floor Conference room

11:00 AM - 11:30 AM

Transportation and Public Safety

Room 017

1:30 PM - 2:00 PM

Chris Urso- butler county board of edu. president call

2:00 PM - 2:30 PM

Larry Frimerman-Trail Funding

<https://zoom.us/j/96664923947?pwd=MmJ1YmhXdU9EZXCzTHN5Q2Y1bmt0dz09>

3:00 PM - 4:00 PM

State and Local Government

Room 116

3:00 PM - 4:00 PM

Primary and Secondary Education

Room 313

4:00 PM - 4:30 PM

Donniella Winchell, Executive Director, Ohio Wines

216-469-5903

5:00 PM - 7:00 PM

CIGAR CAUCUS MIXER

Lexi's on Third

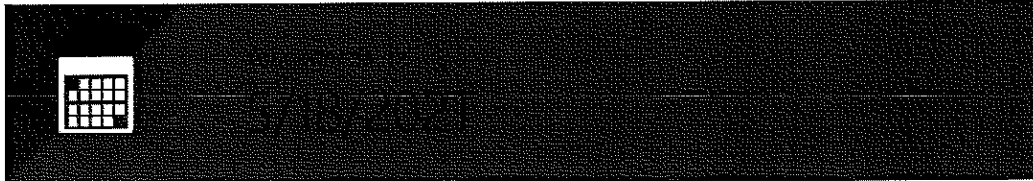
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From: Strobe, Lauren
Sent: Tuesday, May 18, 2021 4:31 PM
To: Fowler Arthur, Sarah
Subject: FW: Rep. Grendell CRT Bill Draft
Attachments: 1_134_1448-1.pdf

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell



Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

Reviewed As To Form By
Legislative Service Commission

I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact
sections 3313.6027 and 4113.35 of the Revised
Code to prohibit school districts, community
schools, STEM schools, and state agencies from
teaching, advocating, or promoting divisive
concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 4113.35 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) As used in this section:

(1) "Divisive concepts" means the concepts that:

(a) One nationality, color, ethnicity, race, or sex is
inherently superior to another nationality, color, ethnicity,
race, or sex.

(b) The United States is fundamentally racist or sexist.

(c) An individual, by virtue of the individual's

nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19

(d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22

(e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25

(f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28

(g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32

(h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36

(i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38

(2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42
ethnicity, race, or sex. 43

(3) "Race or sex scapegoating" means assigning fault, 44

blame, or bias to a nationality, color, ethnicity, race, or sex 45
or to members of a nationality, color, ethnicity, race, or sex 46
because of their nationality, color, ethnicity, race, or sex. It 47
also includes any claim that consciously or unconsciously, and 48
by virtue of their nationality, color, ethnicity, race, or sex, 49
members of any nationality, color, ethnicity, or race are 50
inherently racist or are inherently inclined to oppress others 51
or members of a sex are inherently sexist or are inherently 52
inclined to oppress others. 53

(B) (1) No school district shall teach, instruct, or train 54
any divisive concepts, nor shall any school district require a 55
student to advocate for or against a specific topic or point of 56
view to receive credit for any coursework. 57

(2) No school district shall accept private funding for 58
the purpose of developing a curriculum, purchasing or selecting 59
course materials, or providing teacher training or professional 60
development for a course promoting divisive concepts. 61

(C) If the superintendent of public instruction determines 62
that any school district knowingly violates the prohibitions 63
prescribed in division (B) of this section, the department of 64
education shall withhold state funding from the district in the 65
amount determined by the department until such time as the 66
department determines the district no longer is in violation of 67
that division. 68

(D) Nothing in this section shall be construed to prohibit 69
discussing or using supplemental instructional materials, as 70
part of a larger course of academic instruction, to teach 71
divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

<u>(1) The history of an ethnic group, as described in</u>	74
<u>textbooks and instructional materials adopted in accordance with</u>	75
<u>the Revised Code concerning textbooks and instructional</u>	76
<u>materials;</u>	77
<u>(2) The impartial discussion of controversial aspects of</u>	78
<u>history;</u>	79
<u>(3) The impartial instruction on the historical oppression</u>	80
<u>of a particular group of people based on race, ethnicity, class,</u>	81
<u>nationality, religion, or geographic region;</u>	82
<u>(4) Historical documents permitted under statutory law,</u>	83
<u>such as the national motto, the national anthem, the Ohio</u>	84
<u>Constitution, the United States Constitution, the Revised Code,</u>	85
<u>federal law, and United States Supreme Court decisions.</u>	86
<u>(E) The state board of education may adopt rules regarding</u>	87
<u>the implementation of and monitoring compliance with the</u>	88
<u>provisions of this section.</u>	89
Sec. 3314.03. A copy of every contract entered into under	90
this section shall be filed with the superintendent of public	91
instruction. The department of education shall make available on	92
its web site a copy of every approved, executed contract filed	93
with the superintendent under this section.	94
(A) Each contract entered into between a sponsor and the	95
governing authority of a community school shall specify the	96
following:	97
(1) That the school shall be established as either of the	98
following:	99
(a) A nonprofit corporation established under Chapter	100
1702. of the Revised Code, if established prior to April 8,	101

2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the 130
school to be maintained in the same manner as are financial 131
records of school districts, pursuant to rules of the auditor of 132
state. Audits shall be conducted in accordance with section 133
117.10 of the Revised Code. 134

(9) An addendum to the contract outlining the facilities 135
to be used that contains at least the following information: 136

(a) A detailed description of each facility used for 137
instructional purposes; 138

(b) The annual costs associated with leasing each facility 139
that are paid by or on behalf of the school; 140

(c) The annual mortgage principal and interest payments 141
that are paid by the school; 142

(d) The name of the lender or landlord, identified as 143
such, and the lender's or landlord's relationship to the 144
operator, if any. 145

(10) Qualifications of teachers, including a requirement 146
that the school's classroom teachers be licensed in accordance 147
with sections 3319.22 to 3319.31 of the Revised Code, except 148
that a community school may engage noncertificated persons to 149
teach up to twelve hours or forty hours per week pursuant to 150
section 3319.301 of the Revised Code. 151

(11) That the school will comply with the following 152
requirements: 153

(a) The school will provide learning opportunities to a 154
minimum of twenty-five students for a minimum of nine hundred 155
twenty hours per school year. 156

(b) The governing authority will purchase liability 157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code., 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

status to the sponsor and the parents of all students enrolled in the school.	219 220
(h) The school, unless it is an internet- or computer- based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.	221 222 223
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	224 225 226 227 228 229 230
(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	231 232 233 234 235 236
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	237 238 239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	241 242 243
(l) 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.	244 245 246 247

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(12) Arrangements for providing health and other benefits to employees;	248
(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.	249
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	250
(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.	251
(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;	252
(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 the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	253
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	254
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(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

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of the school; 389

(5) Internal financial controls. 390

When submitting the plan under this division, the school 391
shall also submit copies of all policies and procedures 392
regarding internal financial controls adopted by the governing 393
authority of the school. 394

(C) A contract entered into under section 3314.02 of the 395
Revised Code between a sponsor and the governing authority of a 396
community school may provide for the community school governing 397
authority to make payments to the sponsor, which is hereby 398
authorized to receive such payments as set forth in the contract 399
between the governing authority and the sponsor. The total 400
amount of such payments for monitoring, oversight, and technical 401
assistance of the school shall not exceed three per cent of the 402
total amount of payments for operating expenses that the school 403
receives from the state. 404

(D) The contract shall specify the duties of the sponsor 405
which shall be in accordance with the written agreement entered 406
into with the department of education under division (B) of 407
section 3314.015 of the Revised Code and shall include the 408
following: 409

(1) Monitor the community school's compliance with all 410
laws applicable to the school and with the terms of the 411
contract; 412

(2) Monitor and evaluate the academic and fiscal 413
performance and the organization and operation of the community 414
school on at least an annual basis; 415

(3) Report on an annual basis the results of the 416
evaluation conducted under division (D) (2) of this section to 417

the department of education and to the parents of students 418
enrolled in the community school; 419

(4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422

(5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429

(6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432

(E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443

(F) If a community school fails to open for operation 444
within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446

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of the Revised Code or permanently closes prior to the 447
 expiration of the contract, the contract shall be void and the 448
 school shall not enter into a contract with any other sponsor. A 449
 school shall not be considered permanently closed because the 450
 operations of the school have been suspended pursuant to section 451
 3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
 mathematics school established under this chapter and its 454
 governing body shall comply with sections 9.90, 9.91, 109.65, 455
 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
 3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
 4123., 4141., and 4167. of the Revised Code as if it were a 474
 school district. 475

Sec. 4113.35. (A) As used in this section: 476

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- (1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
 478
- (2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
 480
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 482
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 485
- (3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
 487
- (B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
 489
 490
 491
- (2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
 493
 494
 495
 496
 497
- (3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
 499
 500
 501
- (C) The administrative head of each state agency shall do the following: 502
 503
- (1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
 505

condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

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presented in this act as composites of the sections as amended	564
by the acts indicated, are the resulting versions of the	565
sections in effect prior to the effective date of the sections	566
as presented in this act:	567
Section 3314.03 of the Revised Code as amended by H.B.	568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	569
89, all of the 133rd General Assembly.	570
Section 3326.11 of the Revised Code as amended by H.B.	571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	572
General Assembly.	573

From: Fowler Arthur, Sarah
Sent: Tuesday, May 18, 2021 4:52 PM
To: Charlotte D McGuire
Subject: Fwd: Rep. Grendell CRT Bill Draft
Attachments: l_134_1448-1.pdf

Could you take a look at this and share your thoughts with me privately tomorrow please?
Thank you!
Sarah

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From: Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:31:04 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: FW: Rep. Grendell CRT Bill Draft

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell



Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3313.6027 and 4113.35 of the Revised Code to prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3313.6027 and 4113.35 of the Revised Code be enacted to read as follows:

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9

Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is inherently superior to another nationality, color, ethnicity, race, or sex.

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13
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(b) The United States is fundamentally racist or sexist.

15

(c) An individual, by virtue of the individual's

16



5eedw4bzamrwmxpqfa4rhc

nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19

(d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22

(e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25

(f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28

(g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32

(h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36

(i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38

(2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42
ethnicity, race, or sex. 43

(3) "Race or sex scapegoating" means assigning fault, 44

blame, or bias to a nationality, color, ethnicity, race, or sex 45
or to members of a nationality, color, ethnicity, race, or sex 46
because of their nationality, color, ethnicity, race, or sex. It 47
also includes any claim that consciously or unconsciously, and 48
by virtue of their nationality, color, ethnicity, race, or sex, 49
members of any nationality, color, ethnicity, or race are 50
inherently racist or are inherently inclined to oppress others 51
or members of a sex are inherently sexist or are inherently 52
inclined to oppress others. 53

(B) (1) No school district shall teach, instruct, or train 54
any divisive concepts, nor shall any school district require a 55
student to advocate for or against a specific topic or point of 56
view to receive credit for any coursework. 57

(2) No school district shall accept private funding for 58
the purpose of developing a curriculum, purchasing or selecting 59
course materials, or providing teacher training or professional 60
development for a course promoting divisive concepts. 61

(C) If the superintendent of public instruction determines 62
that any school district knowingly violates the prohibitions 63
prescribed in division (B) of this section, the department of 64
education shall withhold state funding from the district in the 65
amount determined by the department until such time as the 66
department determines the district no longer is in violation of 67
that division. 68

(D) Nothing in this section shall be construed to prohibit 69
discussing or using supplemental instructional materials, as 70
part of a larger course of academic instruction, to teach 71
divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

<u>(1) The history of an ethnic group, as described in</u>	74
<u>textbooks and instructional materials adopted in accordance with</u>	75
<u>the Revised Code concerning textbooks and instructional</u>	76
<u>materials;</u>	77
<u>(2) The impartial discussion of controversial aspects of</u>	78
<u>history;</u>	79
<u>(3) The impartial instruction on the historical oppression</u>	80
<u>of a particular group of people based on race, ethnicity, class,</u>	81
<u>nationality, religion, or geographic region;</u>	82
<u>(4) Historical documents permitted under statutory law,</u>	83
<u>such as the national motto, the national anthem, the Ohio</u>	84
<u>Constitution, the United States Constitution, the Revised Code,</u>	85
<u>federal law, and United States Supreme Court decisions.</u>	86
<u>(E) The state board of education may adopt rules regarding</u>	87
<u>the implementation of and monitoring compliance with the</u>	88
<u>provisions of this section.</u>	89
Sec. 3314.03. A copy of every contract entered into under	90
this section shall be filed with the superintendent of public	91
instruction. The department of education shall make available on	92
its web site a copy of every approved, executed contract filed	93
with the superintendent under this section.	94
(A) Each contract entered into between a sponsor and the	95
governing authority of a community school shall specify the	96
following:	97
(1) That the school shall be established as either of the	98
following:	99
(a) A nonprofit corporation established under Chapter	100
1702. of the Revised Code, if established prior to April 8,	101

2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the 130
school to be maintained in the same manner as are financial 131
records of school districts, pursuant to rules of the auditor of 132
state. Audits shall be conducted in accordance with section 133
117.10 of the Revised Code. 134

(9) An addendum to the contract outlining the facilities 135
to be used that contains at least the following information: 136

(a) A detailed description of each facility used for 137
instructional purposes; 138

(b) The annual costs associated with leasing each facility 139
that are paid by or on behalf of the school; 140

(c) The annual mortgage principal and interest payments 141
that are paid by the school; 142

(d) The name of the lender or landlord, identified as 143
such, and the lender's or landlord's relationship to the 144
operator, if any. 145

(10) Qualifications of teachers, including a requirement 146
that the school's classroom teachers be licensed in accordance 147
with sections 3319.22 to 3319.31 of the Revised Code, except 148
that a community school may engage noncertificated persons to 149
teach up to twelve hours or forty hours per week pursuant to 150
section 3319.301 of the Revised Code. 151

(11) That the school will comply with the following 152
requirements: 153

(a) The school will provide learning opportunities to a 154
minimum of twenty-five students for a minimum of nine hundred 155
twenty hours per school year. 156

(b) The governing authority will purchase liability 157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

status to the sponsor and the parents of all students enrolled 219
in the school. 220

(h) The school, unless it is an internet- or computer- 221
based community school, will comply with section 3313.801 of the 222
Revised Code as if it were a school district. 223

(i) If the school is the recipient of moneys from a grant 224
awarded under the federal race to the top program, Division (A), 225
Title XIV, Sections 14005 and 14006 of the "American Recovery 226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 227
the school will pay teachers based upon performance in 228
accordance with section 3317.141 and will comply with section 229
3319.111 of the Revised Code as if it were a school district. 230

(j) If the school operates a preschool program that is 231
licensed by the department of education under sections 3301.52 232
to 3301.59 of the Revised Code, the school shall comply with 233
sections 3301.50 to 3301.59 of the Revised Code and the minimum 234
standards for preschool programs prescribed in rules adopted by 235
the state board under section 3301.53 of the Revised Code. 236

(k) The school will comply with sections 3313.6021 and 237
3313.6023 of the Revised Code as if it were a school district 238
unless it is either of the following: 239

(i) An internet- or computer-based community school; 240

(ii) A community school in which a majority of the 241
enrolled students are children with disabilities as described in 242
division (A)(4)(b) of section 3314.35 of the Revised Code. 243

(l) The school will comply with section 3321.191 of the 244
Revised Code, unless it is an internet- or computer-based 245
community school that is subject to section 3314.261 of the 246
Revised Code. 247

(12) Arrangements for providing health and other benefits to employees;	248 249
(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.	250 251 252 253
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	254 255
(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.	256 257 258
(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;	259 260 261 262
(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 the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	263 264 265 266 267 268 269 270 271 272 273
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	274 275 276

(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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;

(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.

(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.

(33) A provision requiring the governing authority to
adopt a student residence and address verification policy for
students enrolling in or attending the school.

(B) The community school shall also submit to the sponsor
a comprehensive plan for the school. The plan shall specify the
following;

(1) The process by which the governing authority of the
school will be selected in the future;

(2) The management and administration of the school;

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

(4) The instructional program and educational philosophy

of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415
(3) Report on an annual basis the results of the	416
evaluation conducted under division (D) (2) of this section to	417

the department of education and to the parents of students 418
enrolled in the community school; 419

(4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422

(5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429

(6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432

(E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443

(F) If a community school fails to open for operation 444
within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446

of the Revised Code or permanently closes prior to the 447
expiration of the contract, the contract shall be void and the 448
school shall not enter into a contract with any other sponsor. A 449
school shall not be considered permanently closed because the 450
operations of the school have been suspended pursuant to section 451
3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
mathematics school established under this chapter and its 454
governing body shall comply with sections 9.90, 9.91, 109.65, 455
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
4123., 4141., and 4167. of the Revised Code as if it were a 474
school district. 475

Sec. 4113.35. (A) As used in this section: 476

(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
478

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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(C) The administrative head of each state agency shall do the following: 502
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119, of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: Fowler Arthur, Sarah
Sent: Tuesday, May 18, 2021 5:14 PM
To: lzjoshua@aol.com
Subject: Fwd: Rep. Grendell CRT Bill Draft
Attachments: 1_134_1448-1.pdf

Please review ASAP and share your thoughts, thank you. Sarah

[Get Outlook for Android](#)

From: Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:31:04 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: FW: Rep. Grendell CRT Bill Draft

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell
Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>



I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact
sections 3313.6027 and 4113.35 of the Revised
Code to prohibit school districts, community
schools, STEM schools, and state agencies from
teaching, advocating, or promoting divisive
concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 4113.35 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) As used in this section:

(1) "Divisive concepts" means the concepts that:

(a) One nationality, color, ethnicity, race, or sex is
inherently superior to another nationality, color, ethnicity,
race, or sex.

(b) The United States is fundamentally racist or sexist.

(c) An individual, by virtue of the individual's

nationality, color, ethnicity, race, or sex, is inherently 17
racist, sexist, or oppressive, whether consciously or 18
unconsciously. 19

(d) An individual should be discriminated against or 20
receive adverse treatment solely or partly because of the 21
individual's nationality, color, ethnicity, race, or sex. 22

(e) Members of one nationality, color, ethnicity, race, or 23
sex cannot and should not attempt to treat others without 24
respect to nationality, color, ethnicity, race, or sex. 25

(f) An individual's moral character is necessarily 26
determined by the individual's nationality, color, ethnicity, 27
race, or sex. 28

(g) An individual, by virtue of the individual's 29
nationality, color, ethnicity, race, or sex, bears 30
responsibility for actions committed in the past by other 31
members of the same nationality, color, ethnicity, race, or sex. 32

(h) Meritocracy or traits such as a hard work ethic are 33
racist or sexist or were created by a particular nationality, 34
color, ethnicity, race, or sex to oppress another nationality, 35
color, ethnicity, race, or sex. 36

(i) Any other form of race or sex stereotyping or any 37
other form of race or sex scapegoating. 38

(2) "Race or sex stereotyping" means ascribing character 39
traits, values, moral and ethical codes, privileges, status, or 40
beliefs to a nationality, color, ethnicity, race, or sex or to 41
an individual because of the individual's nationality, color, 42
ethnicity, race, or sex. 43

(3) "Race or sex scapegoating" means assigning fault, 44

blame, or bias to a nationality, color, ethnicity, race, or sex 45
or to members of a nationality, color, ethnicity, race, or sex 46
because of their nationality, color, ethnicity, race, or sex. It 47
also includes any claim that consciously or unconsciously, and 48
by virtue of their nationality, color, ethnicity, race, or sex, 49
members of any nationality, color, ethnicity, or race are 50
inherently racist or are inherently inclined to oppress others 51
or members of a sex are inherently sexist or are inherently 52
inclined to oppress others. 53

(B) (1) No school district shall teach, instruct, or train 54
any divisive concepts, nor shall any school district require a 55
student to advocate for or against a specific topic or point of 56
view to receive credit for any coursework. 57

(2) No school district shall accept private funding for 58
the purpose of developing a curriculum, purchasing or selecting 59
course materials, or providing teacher training or professional 60
development for a course promoting divisive concepts. 61

(C) If the superintendent of public instruction determines 62
that any school district knowingly violates the prohibitions 63
prescribed in division (B) of this section, the department of 64
education shall withhold state funding from the district in the 65
amount determined by the department until such time as the 66
department determines the district no longer is in violation of 67
that division. 68

(D) Nothing in this section shall be construed to prohibit 69
discussing or using supplemental instructional materials, as 70
part of a larger course of academic instruction, to teach 71
divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

(1) The history of an ethnic group, as described in 74
textbooks and instructional materials adopted in accordance with 75
the Revised Code concerning textbooks and instructional 76
materials; 77

(2) The impartial discussion of controversial aspects of 78
history; 79

(3) The impartial instruction on the historical oppression 80
of a particular group of people based on race, ethnicity, class, 81
nationality, religion, or geographic region; 82

(4) Historical documents permitted under statutory law, 83
such as the national motto, the national anthem, the Ohio 84
Constitution, the United States Constitution, the Revised Code, 85
federal law, and United States Supreme Court decisions. 86

(E) The state board of education may adopt rules regarding 87
the implementation of and monitoring compliance with the 88
provisions of this section. 89

Sec. 3314.03. A copy of every contract entered into under 90
this section shall be filed with the superintendent of public 91
instruction. The department of education shall make available on 92
its web site a copy of every approved, executed contract filed 93
with the superintendent under this section. 94

(A) Each contract entered into between a sponsor and the 95
governing authority of a community school shall specify the 96
following: 97

(1) That the school shall be established as either of the 98
following: 99

(a) A nonprofit corporation established under Chapter 100
1702. of the Revised Code, if established prior to April 8, 101

2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

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status to the sponsor and the parents of all students enrolled in the school.	219 220
(h) The school, unless it is an internet- or computer- based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.	221 222 223
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	224 225 226 227 228 229 230
(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	231 232 233 234 235 236
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	237 238 239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code.	241 242 243
(l) 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.	244 245 246 247

(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

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department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

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policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

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of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415
(3) Report on an annual basis the results of the	416
evaluation conducted under division (D) (2) of this section to	417

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the department of education and to the parents of students 418
enrolled in the community school; 419

(4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422

(5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429

(6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432

(E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443

(F) If a community school fails to open for operation 444
within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446

of the Revised Code or permanently closes prior to the 447
expiration of the contract, the contract shall be void and the 448
school shall not enter into a contract with any other sponsor. A 449
school shall not be considered permanently closed because the 450
operations of the school have been suspended pursuant to section 451
3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
mathematics school established under this chapter and its 454
governing body shall comply with sections 9.90, 9.91, 109.65, 455
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
4123., 4141., and 4167. of the Revised Code as if it were a 474
school district. 475

Sec. 4113.35. (A) As used in this section: 476

(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
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(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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(C) The administrative head of each state agency shall do the following: 502
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: Fowler Arthur, Sarah
Sent: Tuesday, May 18, 2021 6:04 PM
To: 'barrysheets@ccv.org'
Subject: Fwd: Rep. Grendell CRT Bill Draft
Attachments: l_134_1448-1.pdf

If you've got time to look at this draft I'd be interested in your feedback.
Sarah

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From: Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:31:04 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: FW: Rep. Grendell CRT Bill Draft

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell



Ohio's 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

Reviewed As To Form By
Legislative Service Commission

I_134_1448-1

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3313.6027 and 4113.35 of the Revised Code to prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3313.6027 and 4113.35 of the Revised Code be enacted to read as follows:

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Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is inherently superior to another nationality, color, ethnicity, race, or sex.

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(b) The United States is fundamentally racist or sexist.

15

(c) An individual, by virtue of the individual's

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- nationality, color, ethnicity, race, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously. 17
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- (d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, color, ethnicity, race, or sex. 20
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- (e) Members of one nationality, color, ethnicity, race, or sex cannot and should not attempt to treat others without respect to nationality, color, ethnicity, race, or sex. 23
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- (f) An individual's moral character is necessarily determined by the individual's nationality, color, ethnicity, race, or sex. 26
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- (g) An individual, by virtue of the individual's nationality, color, ethnicity, race, or sex, bears responsibility for actions committed in the past by other members of the same nationality, color, ethnicity, race, or sex. 29
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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, color, ethnicity, race, or sex to oppress another nationality, color, ethnicity, race, or sex. 33
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- (i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. 37
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- (2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a nationality, color, ethnicity, race, or sex or to an individual because of the individual's nationality, color, ethnicity, race, or sex. 39
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- (3) "Race or sex scapegoating" means assigning fault, 44

blame, or bias to a nationality, color, ethnicity, race, or sex 45
or to members of a nationality, color, ethnicity, race, or sex 46
because of their nationality, color, ethnicity, race, or sex. It 47
also includes any claim that consciously or unconsciously, and 48
by virtue of their nationality, color, ethnicity, race, or sex, 49
members of any nationality, color, ethnicity, or race are 50
inherently racist or are inherently inclined to oppress others 51
or members of a sex are inherently sexist or are inherently 52
inclined to oppress others. 53

(B) (1) No school district shall teach, instruct, or train 54
any divisive concepts, nor shall any school district require a 55
student to advocate for or against a specific topic or point of 56
view to receive credit for any coursework. 57

(2) No school district shall accept private funding for 58
the purpose of developing a curriculum, purchasing or selecting 59
course materials, or providing teacher training or professional 60
development for a course promoting divisive concepts. 61

(C) If the superintendent of public instruction determines 62
that any school district knowingly violates the prohibitions 63
prescribed in division (B) of this section, the department of 64
education shall withhold state funding from the district in the 65
amount determined by the department until such time as the 66
department determines the district no longer is in violation of 67
that division. 68

(D) Nothing in this section shall be construed to prohibit 69
discussing or using supplemental instructional materials, as 70
part of a larger course of academic instruction, to teach 71
divisive concepts in an objective manner and without 72
endorsement. Such materials may include the following: 73

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<u>(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with the Revised Code concerning textbooks and instructional materials;</u>	74 75 76 77
<u>(2) The impartial discussion of controversial aspects of history;</u>	78 79
<u>(3) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region;</u>	80 81 82
<u>(4) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions.</u>	83 84 85 86
<u>(E) The state board of education may adopt rules regarding the implementation of and monitoring compliance with the provisions of this section.</u>	87 88 89
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.	90 91 92 93 94
(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following:	95 96 97
(1) That the school shall be established as either of the following:	98 99
(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8,	100 101

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2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

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state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
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3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
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3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

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the first time before July 1, 2010, the requirement in sections 188
 3313.61 and 3313.611 of the Revised Code that a person must 189
 successfully complete the curriculum in any high school prior to 190
 receiving a high school diploma may be met by completing the 191
 curriculum adopted by the governing authority of the community 192
 school rather than the curriculum specified in Title XXXIII of 193
 the Revised Code or any rules of the state board of education. 194
 Beginning with students who enter ninth grade for the first time 195
 on or after July 1, 2010, the requirement in sections 3313.61 196
 and 3313.611 of the Revised Code that a person must successfully 197
 complete the curriculum of a high school prior to receiving a 198
 high school diploma shall be met by completing the requirements 199
 prescribed in division (C) of section 3313.603 of the Revised 200
 Code, unless the person qualifies under division (D) or (F) of 201
 that section. Each school shall comply with the plan for 202
 awarding high school credit based on demonstration of subject 203
 area competency, and beginning with the 2017-2018 school year, 204
 with the updated plan that permits students enrolled in seventh 205
 and eighth grade to meet curriculum requirements based on 206
 subject area competency adopted by the state board of education 207
 under divisions (J) (1) and (2) of section 3313.603 of the 208
 Revised Code. Beginning with the 2018-2019 school year, the 209
 school shall comply with the framework for granting units of 210
 high school credit to students who demonstrate subject area 211
 competency through work-based learning experiences, internships, 212
 or cooperative education developed by the department under 213
 division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
 months after the end of each school year a report of its 216
 activities and progress in meeting the goals and standards of 217
 divisions (A) (3) and (4) of this section and its financial 218

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status to the sponsor and the parents of all students enrolled in the school.	219 220
(h) The school, unless it is an internet- or computer- based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.	221 222 223
(i) If the school is the recipient of moneys from a grant awarded under the federal race to the top program, Division (A), Title XIV, Sections 14005 and 14006 of the "American Recovery and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, the school will pay teachers based upon performance in accordance with section 3317.141 and will comply with section 3319.111 of the Revised Code as if it were a school district.	224 225 226 227 228 229 230
(j) If the school operates a preschool program that is licensed by the department of education under sections 3301.52 to 3301.59 of the Revised Code, the school shall comply with sections 3301.50 to 3301.59 of the Revised Code and the minimum standards for preschool programs prescribed in rules adopted by the state board under section 3301.53 of the Revised Code.	231 232 233 234 235 236
(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following:	237 238 239
(i) An internet- or computer-based community school;	240
(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A) (4) (b) of section 3314.35 of the Revised Code.	241 242 243
(l) 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.	244 245 246 247

(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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; 361
362
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(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. 364
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(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. 369
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(33) A provision requiring the governing authority to
adopt a student residence and address verification policy for
students enrolling in or attending the school. 374
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(B) The community school shall also submit to the sponsor
a comprehensive plan for the school. The plan shall specify the
following; 377
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379

(1) The process by which the governing authority of the
school will be selected in the future; 380
381

(2) The management and administration of the school; 382

(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
to attend the converted school and for teachers who choose not
to teach in the school or building after conversion; 383
384
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387

(4) The instructional program and educational philosophy 388

of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415
(3) Report on an annual basis the results of the	416
evaluation conducted under division (D) (2) of this section to	417

the department of education and to the parents of students 418
enrolled in the community school; 419

(4) Provide technical assistance to the community school 420
in complying with laws applicable to the school and terms of the 421
contract; 422

(5) Take steps to intervene in the school's operation to 423
correct problems in the school's overall performance, declare 424
the school to be on probationary status pursuant to section 425
3314.073 of the Revised Code, suspend the operation of the 426
school pursuant to section 3314.072 of the Revised Code, or 427
terminate the contract of the school pursuant to section 3314.07 428
of the Revised Code as determined necessary by the sponsor; 429

(6) Have in place a plan of action to be undertaken in the 430
event the community school experiences financial difficulties or 431
closes prior to the end of a school year. 432

(E) Upon the expiration of a contract entered into under 433
this section, the sponsor of a community school may, with the 434
approval of the governing authority of the school, renew that 435
contract for a period of time determined by the sponsor, but not 436
ending earlier than the end of any school year, if the sponsor 437
finds that the school's compliance with applicable laws and 438
terms of the contract and the school's progress in meeting the 439
academic goals prescribed in the contract have been 440
satisfactory. Any contract that is renewed under this division 441
remains subject to the provisions of sections 3314.07, 3314.072, 442
and 3314.073 of the Revised Code. 443

(F) If a community school fails to open for operation 444
within one year after the contract entered into under this 445
section is adopted pursuant to division (D) of section 3314.02 446

of the Revised Code or permanently closes prior to the 447
expiration of the contract, the contract shall be void and the 448
school shall not enter into a contract with any other sponsor. A 449
school shall not be considered permanently closed because the 450
operations of the school have been suspended pursuant to section 451
3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
mathematics school established under this chapter and its 454
governing body shall comply with sections 9.90, 9.91, 109.65, 455
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
4123., 4141., and 4167. of the Revised Code as if it were a 474
school district. 475

Sec. 4113.35. (A) As used in this section: 476

(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
478

(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state 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 shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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501

(C) The administrative head of each state agency shall do the following: 502
503

(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
505

condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: Charlotte D McGuire
Sent: Tuesday, May 18, 2021 8:15 PM
To: Fowler Arthur, Sarah
Subject: Re: Rep. Grendell CRT Bill Draft

Will do.

Charlotte

Sent from my iPhone

On May 18, 2021, at 4:51 PM, Sarah.FowlerArthur@ohiohouse.gov wrote:

Could you take a look at this and share your thoughts with me privately tomorrow please?
Thank you!
Sarah

Get Outlook for Android

From: Strobe, Lauren <Lauren.Strobe@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:31:04 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
Subject: FW: Rep. Grendell CRT Bill Draft

From: Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 4:27 PM
Subject: Rep. Grendell CRT Bill Draft

Attached is the draft language for the CRT Bill prohibiting the teaching of divisive concepts.

Thanks,

Brandon

<image001.jpg>

<l_134_1448-1.pdf>

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To: Fowler Arthur, Sarah
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Brandon

Best,

Brandon J. Hendrickson



Brandon J. Hendrickson
Legislative Aide
State Representative Diane V. Grendell
Ohio's 76th House District



(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

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From: Rep99

Sent: Wednesday, May 19, 2021 10:38 AM

To: Fowler Arthur, Sarah

Subject: FW: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

From: jstover1@aol.com <jstover1@aol.com>

Sent: Wednesday, May 19, 2021 8:42 AM

To: Rep01 <Rep01@ohiohouse.gov>; Rep02 <Rep02@ohiohouse.gov>; Rep03 <Rep03@ohiohouse.gov>; Rep04 <Rep04@ohiohouse.gov>; Rep05 <Rep05@ohiohouse.gov>; Rep07 <Rep07@ohiohouse.gov>; Rep23 <Rep23@ohiohouse.gov>; Rep27 <Rep27@ohiohouse.gov>; Rep29 <Rep29@ohiohouse.gov>; Rep30 <Rep30@ohiohouse.gov>; Rep36 <Rep36@ohiohouse.gov>; Rep38 <Rep38@ohiohouse.gov>; Rep40 <Rep40@ohiohouse.gov>; Rep41 <Rep41@ohiohouse.gov>; Rep42 <Rep42@ohiohouse.gov>; Rep43 <Rep43@ohiohouse.gov>; Rep47 <Rep47@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep50 <Rep50@ohiohouse.gov>; Rep51 <Rep51@ohiohouse.gov>; Rep52 <Rep52@ohiohouse.gov>; Rep53 <Rep53@ohiohouse.gov>; Rep54 <Rep54@ohiohouse.gov>; Rep55 <Rep55@ohiohouse.gov>; Rep57 <Rep57@ohiohouse.gov>; Rep59 <Rep59@ohiohouse.gov>; Rep61 <Rep61@ohiohouse.gov>; Rep62 <Rep62@ohiohouse.gov>; Rep63 <Rep63@ohiohouse.gov>; Rep65 <Rep65@ohiohouse.gov>; Rep66 <Rep66@ohiohouse.gov>; Rep67 <Rep67@ohiohouse.gov>; Rep68 <Rep68@ohiohouse.gov>; Rep69 <Rep69@ohiohouse.gov>; Rep70 <Rep70@ohiohouse.gov>; Rep71 <Rep71@ohiohouse.gov>; Rep72 <Rep72@ohiohouse.gov>; Rep73 <Rep73@ohiohouse.gov>; Rep74 <Rep74@ohiohouse.gov>; Rep75 <Rep75@ohiohouse.gov>; Rep76 <Rep76@ohiohouse.gov>; Rep77 <Rep77@ohiohouse.gov>; Rep78 <Rep78@ohiohouse.gov>; Rep79 <Rep79@ohiohouse.gov>; Rep80 <Rep80@ohiohouse.gov>; Rep81 <Rep81@ohiohouse.gov>; Rep82 <Rep82@ohiohouse.gov>; Rep83 <Rep83@ohiohouse.gov>; Rep84 <Rep84@ohiohouse.gov>; Rep85 <Rep85@ohiohouse.gov>; Rep86 <Rep86@ohiohouse.gov>; Rep87 <Rep87@ohiohouse.gov>; Rep88 <Rep88@ohiohouse.gov>; Rep89 <Rep89@ohiohouse.gov>; Rep90 <Rep90@ohiohouse.gov>; Rep91 <Rep91@ohiohouse.gov>; Rep92 <Rep92@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>; Rep94 <Rep94@ohiohouse.gov>; Rep95 <Rep95@ohiohouse.gov>; Rep96 <Rep96@ohiohouse.gov>; Rep97 <Rep97@ohiohouse.gov>; Rep98 <Rep98@ohiohouse.gov>; Rep99 <Rep99@ohiohouse.gov>

Subject: Fwd: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

Republican House Members:

Many of you may not have received the below e-mail which went out yesterday regarding the State Board and the subject of Critical Race Theory (CRT). It is important that the state of Ohio passes legislation to prohibit the teaching of this indoctrination to students.

John Stover, President
Ohio Value Voters



From: Rep99
Sent: Wednesday, May 19, 2021 10:38 AM
To: Fowler Arthur, Sarah
Subject: FW: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

From: jstover1@aol.com <jstover1@aol.com>

Sent: Wednesday, May 19, 2021 8:42 AM

To: Rep01 <Rep01@ohiohouse.gov>; Rep02 <Rep02@ohiohouse.gov>; Rep03 <Rep03@ohiohouse.gov>; Rep04 <Rep04@ohiohouse.gov>; Rep05 <Rep05@ohiohouse.gov>; Rep07 <Rep07@ohiohouse.gov>; Rep23 <Rep23@ohiohouse.gov>; Rep27 <Rep27@ohiohouse.gov>; Rep29 <Rep29@ohiohouse.gov>; Rep30 <Rep30@ohiohouse.gov>; Rep36 <Rep36@ohiohouse.gov>; Rep38 <Rep38@ohiohouse.gov>; Rep40 <Rep40@ohiohouse.gov>; Rep41 <Rep41@ohiohouse.gov>; Rep42 <Rep42@ohiohouse.gov>; Rep43 <Rep43@ohiohouse.gov>; Rep47 <Rep47@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep50 <Rep50@ohiohouse.gov>; Rep51 <Rep51@ohiohouse.gov>; Rep52 <Rep52@ohiohouse.gov>; Rep53 <Rep53@ohiohouse.gov>; Rep54 <Rep54@ohiohouse.gov>; Rep55 <Rep55@ohiohouse.gov>; Rep57 <Rep57@ohiohouse.gov>; Rep59 <Rep59@ohiohouse.gov>; Rep61 <Rep61@ohiohouse.gov>; Rep62 <Rep62@ohiohouse.gov>; Rep63 <Rep63@ohiohouse.gov>; Rep65 <Rep65@ohiohouse.gov>; Rep66 <Rep66@ohiohouse.gov>; Rep67 <Rep67@ohiohouse.gov>; Rep68 <Rep68@ohiohouse.gov>; Rep69 <Rep69@ohiohouse.gov>; Rep70 <Rep70@ohiohouse.gov>; Rep71 <Rep71@ohiohouse.gov>; Rep72 <Rep72@ohiohouse.gov>; Rep73 <Rep73@ohiohouse.gov>; Rep74 <Rep74@ohiohouse.gov>; Rep75 <Rep75@ohiohouse.gov>; Rep76 <Rep76@ohiohouse.gov>; Rep77 <Rep77@ohiohouse.gov>; Rep78 <Rep78@ohiohouse.gov>; Rep79 <Rep79@ohiohouse.gov>; Rep80 <Rep80@ohiohouse.gov>; Rep81 <Rep81@ohiohouse.gov>; Rep82 <Rep82@ohiohouse.gov>; Rep83 <Rep83@ohiohouse.gov>; Rep84 <Rep84@ohiohouse.gov>; Rep85 <Rep85@ohiohouse.gov>; Rep86 <Rep86@ohiohouse.gov>; Rep87 <Rep87@ohiohouse.gov>; Rep88 <Rep88@ohiohouse.gov>; Rep89 <Rep89@ohiohouse.gov>; Rep90 <Rep90@ohiohouse.gov>; Rep91 <Rep91@ohiohouse.gov>; Rep92 <Rep92@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>; Rep94 <Rep94@ohiohouse.gov>; Rep95 <Rep95@ohiohouse.gov>; Rep96 <Rep96@ohiohouse.gov>; Rep97 <Rep97@ohiohouse.gov>; Rep98 <Rep98@ohiohouse.gov>; Rep99 <Rep99@ohiohouse.gov>

Subject: Fwd: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

Republican House Members:

Many of you may not have received the below e-mail which went out yesterday regarding the State Board and the subject of Critical Race Theory (CRT). It is important that the state of Ohio passes legislation to prohibit the teaching of this indoctrination to students.

John Stover, President
Ohio Value Voters



Ohio Value Voters

Since 2007: Protecting Faith, Family, Freedom,
and the Sanctity of Life

The State Board of Education Promotes Critical Race
Theory But Won't Allow Public Comment

[REDACTED]

A resolution declaring Ohio and its education system as systemically racist against blacks, indigenous people and people of color and in need of internal examination, correction for achievement gaps, disparate discipline, white privilege, white supremacy, cultural insensitivity, hate speech and implicit bias was approved by the Ohio State Board of Education in a 12 to 5 vote at 11:00 pm on Tuesday, July 14, 2020.

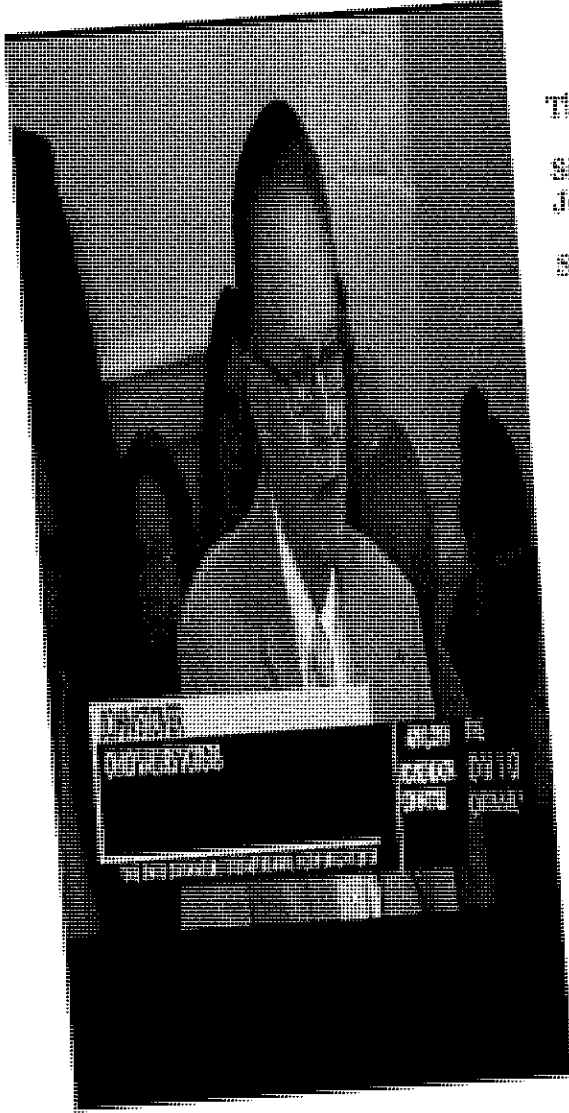
The state's academic standards, curriculum, resources and tests are to be reviewed to eliminate cultural insensitivity, racial bias, white privilege and white supremacy. The state education department is instructed to provide support to local school districts to do the same. State employees and contractors to schools are required to attend implicit bias training. Training for board members, state and local, is to take place to address the ills.

Given the magnitude of what the Ohio Department of Education and the State Board of Education have imposed upon the school districts of Ohio it boggles the mind to understand how these same members can shut down all

discussion with the public about this matter. Meryl Johnson is often sighted as the most knowledgeable subject matter expert on racism of the State School Board members in Ohio. Now she is passionate that this subject should NOT be discussed at the State Board of Education but wants it discussed in every school in Ohio.

WATCH





Thank you for your prayers and support.

Sincerely,
John Stover, President

Share our emails and follow us on Facebook



Visit Our Website

Ohio Value Voters, Inc. | P.O. Box 29502, Cleveland, OH 44129

[Unsubscribe jstover1@aol.com](mailto:jstover1@aol.com)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by diane@ohiovaluevoters.org powered by



Try email marketing for free today!

From: Thomas, AJ

Sent: Wednesday, May 19, 2021 12:07 PM

To: Headlee, Adam

Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Ohio House of Representatives



REMINDER: Deadline to Co-Sponsor is TODAY at 5:00pm. Thank you for your consideration.

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members

From: Representatives Don Jones & Adam Bird

Date: May 14th, 2021

Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

We will soon be introducing legislation that will prohibit the inculcating of critical race theory and the use of "action civics" in our classrooms.

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist "woke-ism" has come a long way from Martin Luther King, Jr.'s dream where people would "not be judged by the color of their skin but by the content of their character" to flat out saying "The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination," and so on.

CRT teaches that racism is built into our American system and not the result of bad actors. CRT's lessons also categorize certain racial and religious identities as inherently 'oppressive,' and instructs our children who fall into these demographics to accept the label 'oppressor.' This is plain wrong.

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

(1) One race or sex is inherently superior to another race or sex;

- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

This bill will also address "action civics" where class credit is given for not just participating in our system of government, but actively advocating for a specific position. Our children absolutely need to learn our government processes, but not because they are pushing an agenda from a teacher or school, or even potentially being dinged by a teacher for advocating for the "wrong position." Coursework should be about learning, not advocating.

Though outright prohibited by the bill in all classes/curricula, in the event that a teacher or school attempts to defy this language, any course that offers any element of the above items will not count towards state graduation requirements. This is to reinforce our position that this indoctrination has no place in our classrooms.

This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and we would like your support for this bill that will maintain strong and good civics in our classrooms.

If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

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Thank you for your consideration,

The block contains three handwritten signatures in black ink. The first signature on the left is a stylized, cursive 'A'. The second signature in the middle is a cursive 'A'. The third signature on the right is a more complex cursive signature, possibly reading 'Adam Headlee'.

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Charlotte D McGuire
Sent: Wednesday, May 19, 2021 8:37 PM
To: Fowler Arthur, Sarah
Subject: Specific legislation models

FYI from a friend of mine. Have you seen these?

Charlotte

Sent from my iPhone

Begin forwarded message:

From: Andrew White <acw3449@gmail.com>
Date: May 19, 2021 at 7:59:26 PM EDT
To: Charlotte D McGuire <cdmcguire1@gmail.com>
Subject: Specific legislation models

Idaho Bill- https://www.dailywire.com/news/idaho-senate-passes-bill-could-be-1st-state-banning-critical-race-theory-in-schools?itm_source=parseely-api%3Futm_content%3Dop_ed&utm_campaign=dw_newsletter&utm_medium=email&hsmi=123846404&hsenc=p2ANqtz-8ZIFQ5dHgQgPzMO9-PYy3Bth4PblCEcFKgguNi12LTH6JHWLBQG7vJ11oOGKeM32HyxTxIFKF1WtA1b0J4B8uvwie-Z7qGy-nX-b5kNiOLQbNKrfE&utm_source=housefile

Idaho Bill (Video)- <https://www.youtube.com/watch?v=NvUHc4aggh4>

Rhode Island Bill- <http://webserver.rilin.state.ri.us/BillText/BillText21/HouseText21/H6070.pdf>

South Dakota Bill- <https://sdlegislature.gov/Session/Bill/22266/214787>

Texas Bill bans CRT- <https://www.printfriendly.com/p/g/pcvgvy>

Texas vs. CRT- <http://politicalhat.com/2021/04/05/texas-vs-critical-race-theory/>

Texas Bill- <https://capitol.texas.gov/tlodocs/87R/billtext/pdf/HB040931.PDF>

Texas Bill (3979)- <https://legiscan.com/TX/text/HB3979/id/2339637>

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From: Fowler Arthur, Sarah
Sent: Thursday, May 20, 2021 11:10 AM
To: Charlotte D McGuire
Subject: Re: Specific legislation models

I have, thank you for sharing!
Sarah

Get [Outlook for Android](#)

From: Charlotte D McGuire <cdmcguire1@gmail.com>
Sent: Wednesday, May 19, 2021 8:36:31 PM
To: Sarah Fowler <Sarah.FowlerArthur@ohiohouse.gov>
Subject: Specific legislation models

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From: Charlotte D McGuire
Sent: Thursday, May 20, 2021 11:46 AM
To: Fowler Arthur, Sarah
Subject: Re: Specific legislation models

You're welcome. I am here for you.
Charlotte

Sent from my iPhone

On May 20, 2021, at 11:10 AM, Sarah.FowlerArthur@ohiohouse.gov wrote:

I have, thank you for sharing!
Sarah

Get [Outlook for Android](#)

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From: lzjoshua@aol.com
Sent: Thursday, May 20, 2021 1:00 PM
To: Fowler Arthur, Sarah
Subject: Executive Order 9.22.2020
Attachments: EO 13950 9.22.21 Trump. CRT.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

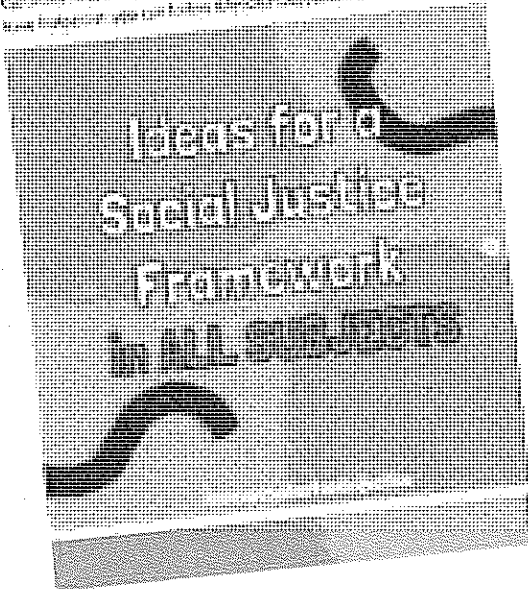
See pages 3 and 4



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- People
- Discussions**
- Files
- Calendar
- Groups
- Calendar
- Index
- Search
- Comments
- Help

Practicing Culturally Responsive-Sustaining Education in ALL Subjects - 3-5 Math

Community Researcher: Best and the best of the best is just not for everybody or EIA. Check out this link on how to practice it. I hope it will help of CRSE in ALL and how to practice it in all subjects. I hope you can help to find more ideas for this.





Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Commissions



Help



Highlight the scientific world behind
art, film and TV, sports, music and PS3

MATH

How students use statistics, algebra, etc.
to analyse the ratios and effects of different
social problems and inequalities in areas such
as housing, the criminal justice system,
education, housing etc.

Question: housing etc.

How students use statistics, algebra, etc.
to analyse the ratios and effects of different
social problems

Some social housing is included as an
example of social housing

ENGLISH/READING

How students use statistics, algebra, etc.
to analyse the ratios and effects of different
social problems

How students use statistics, algebra, etc.
to analyse the ratios and effects of different
social problems



- Home
- Dashboard
- Courses
- Groups
- Calendar
- Files
- Settings
- Help

Health and Nutrition

HEALTH AND NUTRITION

Health and nutrition are essential for a healthy and productive life. This course covers the basics of human health, including the role of the immune system, the effects of stress, and the importance of a balanced diet. It also explores the relationship between diet and chronic diseases such as heart disease, diabetes, and obesity. The course is designed for students who are interested in health and nutrition, and who want to learn more about the science of human health.

When the lesson was last updated, the following information was available: This is a general overview of the course content.

Use this report to compare the following information. Please request for a copy of your report.

1. What are the main topics?
2. Which of these topics have you already learned?
3. Which of these topics are you most interested in?

Report generated on: 10/10/2024



Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Comments



Help



ESOL

• Compare and use English language structures as a means to discuss social issues while bringing student voices and stories into the discussion

• Examine the aggressive nature behind performing "Standard English"

• Analyze and affirm the validity of various English dialects like AAVE and Jamaican Patois

GEOGRAPHY

• Examine global borders drawn worldwide, why they were drawn, who they benefit, and what damage they have caused to native populations

• Examine how natural boundaries have changed over time due to global climate change and human activity

• Examine how resources are distributed



Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Commons



Help



Students are encouraged to write a major research paper that addresses the social issues with the Black Lives Matter movement.

Students are encouraged to write a major research paper that addresses the social issues with the Black Lives Matter movement.

Students are encouraged to write a major research paper that addresses the social issues with the Black Lives Matter movement.

WORLD LANGUAGES

Examine and use language to address the target language as a means to discuss social issues while bringing student voices and observations to the discussion.

Introduce and explore the target language as a means to discuss social issues while bringing student voices and observations to the discussion.

Address social issues in the target language as a means to discuss social issues while bringing student voices and observations to the discussion.



Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Commons



Help



Challenging systems of oppression and teaching through a social justice lens can and should be done in all subjects, not just social studies.

The following are examples of how to integrate a social justice framework into any subject.

SCIENCE

Examine the effects of pollution on the environment and social injustices.

Study environmental systems and where pollutants are found at the local, national, and international levels.

Discuss recycling and reuse in STEM fields and how to monitor it.



Account



Dashboard



Courses



Groups



Calendar



Libraries



Studio



Comments



Help



Use music to explore global connections and
intercultural communication, people with
national backgrounds.

MUSIC

Learn to read and analyse music, created by
people with diverse backgrounds and cultures.

Examine the lyrics of music and songs with
gender, social, political, historical and ethnic impact.

Examine the history of music, being used as
a means of survival during times of struggle
and as an expression of hope and endurance.

Give students a chance to perform music, learned
online, related to their themes.

DRAMA/THEATRE

Read and perform plays and scripts with
social justice/political themes and theories
and compare them with students.

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- Account
- Dashboard
- Courses
- AA
- Courses
- Home
- Library
- Calendar
- Help

System Requirements

Minimum system requirements for this course are:

- Operating System: Windows 10 or later, macOS 10.15 or later, or Linux Ubuntu 18.04 or later.
- Processor: Intel Core i5 or equivalent.
- RAM: 8 GB or more.
- Storage: 50 GB or more free space.
- Internet: Broadband connection (10 Mbps or faster).

HEALTH/NUTRITION

Why Study Health/Nutrition?

Health and nutrition are essential for a healthy and active lifestyle. Studying health and nutrition can help you understand the science behind diet, exercise, and overall well-being. It can also lead to various career opportunities in the healthcare industry, such as dietitian, nutritionist, or fitness instructor.

Program Overview:

This program provides a comprehensive understanding of human health and nutrition. It covers topics such as anatomy, physiology, biochemistry, and the impact of diet and lifestyle on health. Students will learn how to assess nutritional needs, create meal plans, and understand the role of various nutrients in the body.

Key Topics:

- Human Anatomy and Physiology
- Biochemistry and Metabolism
- Nutrition and Dietetics
- Exercise and Physical Activity
- Public Health and Nutrition

Program Objectives:

Upon completion of this program, students will be able to:

- Identify the major components of the human body and their functions.
- Understand the biochemical processes of metabolism and energy production.
- Assess nutritional status and create individualized meal plans.
- Design safe and effective exercise programs.
- Apply nutrition and exercise principles to public health and community settings.

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Use this form to request the following information. Please respond to a few of our queries.



Account



Dashboard



Courses



Group



Calendar



Inbox



Studio



Comments



Help



• Develop conceptual and technical skills higher order thinking processes to solve complex thinking about systems of inequalities

• Use technology to solve systems of equations and inequalities in two or three variables or those of similar triangles

P.E.

• Assess and challenge gender concepts in their sports and athletics

• Use students' ability their own lives and interests sports and games from other cultures and countries opportunity of students in your class

• Develop critical thinking skills for students who are not just physical education students

• Develop multiple intelligences and abilities

• Address the needs of all students' background and abilities making learning

ART

• Examine and critique artwork and understand the artist's intent

This makes no sense. Literally none... taken from Tulsa Public Schools agenda for tomorrow night

TEACHING AND LEARNING

- G.2. RECOMMENDATION:** Enter into an agreement with UnboundEd Learning, Inc. to provide a series of virtual professional learning sessions and coaching support with middle school and junior high school leaders focused on increasing understanding of math problem-solving strategies, culturally responsive pedagogy and structures to support teacher development for the 2020 - 2021 school year.
- FURTHER RECOMMEND:** The attorneys for the school district prepare/approve the appropriate contract document(s) and the proper officers of the Board of Education be authorized to execute the document(s) on behalf of the district.

RATIONALE: UnboundEd's Math Identity Leadership Accelerator (MILA) is a 15 month long cohort-based experience for middle school leaders. The program is built around a community of leaders from around the country who are dedicated to improving math instruction and outcomes in their schools using research-based systems, structures, and practices. As a result, middle school students will build mathematical skills that enable independence, academic resilience, and setting and achieving goals. By providing increased access to high-quality, grade-level math instruction in the middle school years, our students will develop persistence in building a solid foundation in more difficult math concepts for moving into advanced math courses in high school, peak student interest in post secondary opportunities like STEM careers, and increase student academic measures in mathematics. With ongoing support and professional development from UnboundEd, school leaders will demonstrate increased proficiency in delivering just-in-time coaching for math problem-solving strategies and culturally responsive instruction, so that teachers report increased awareness and understanding of math problem solving and report greater interest in creating more culturally responsive classrooms. The MILA grant is federally funded through the Supporting Effective Educator Development program.



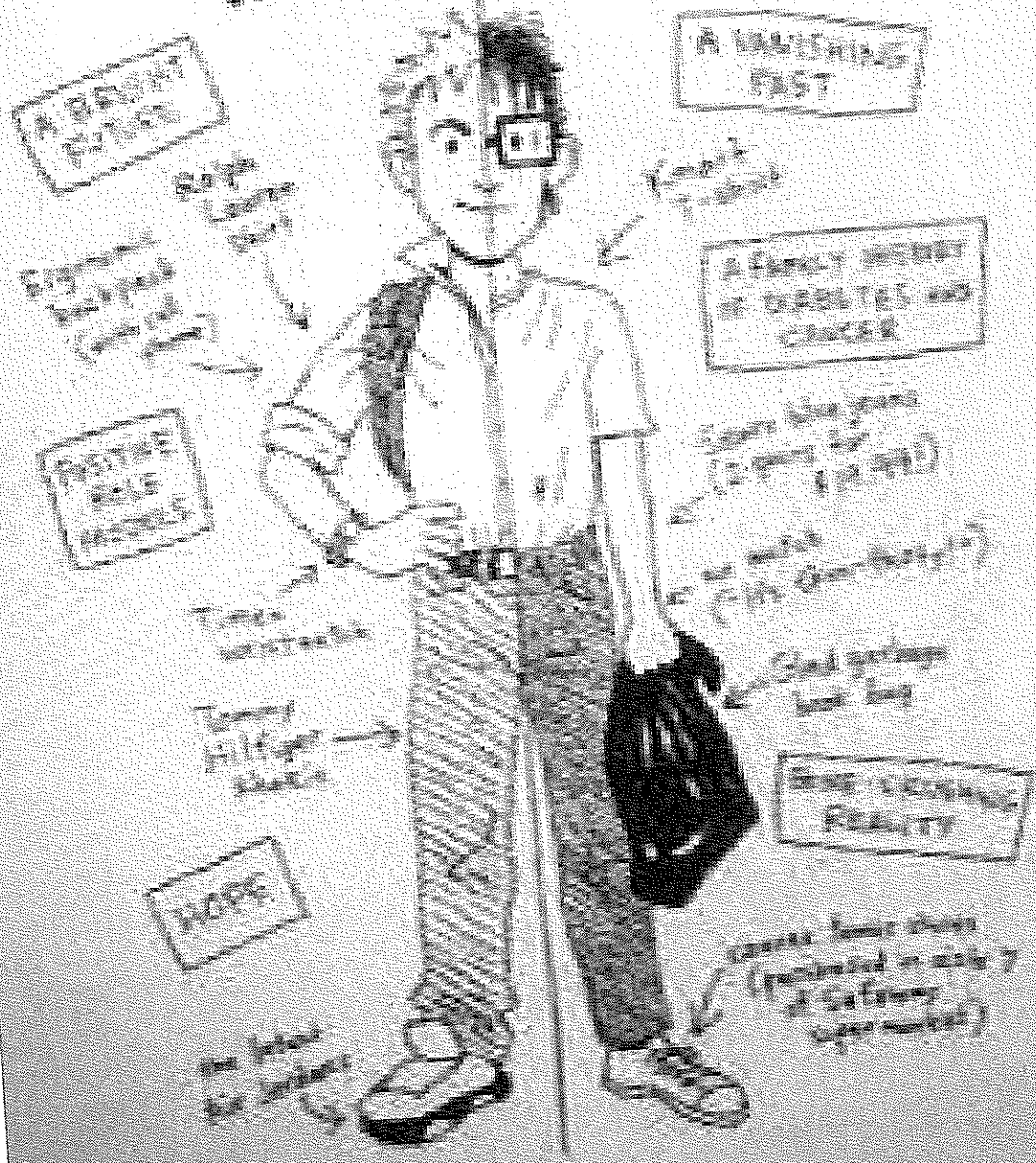
Like



Comment

WHITE

INDIAN



Contract Period	2019/20	2020/21	2021/22
Grade			
Contract Period			

For Certified Staff Elementary
Subject: Culturally Responsive Teaching PD Opportunities

Staff:

Certified staff members may now be invited to join a Culturally Responsive Teaching Canvas module in this four-week Canvas module which is rolled out and expires when it means for a practitioner of Culturally Responsive Teaching. All staff will receive an opportunity to join the Learning Canvas course and teachers will be paid a stipend for their time. The module begins on Monday, February 24 and continues through February 28th. We have an open for the spring cohort and hope to be able to repeat the module next year in the fall. Staff are encouraged to reach out to the Learning Canvas team.

For the professional leaders and

- Examine the current and emerging best practices that make us who we are
- Examine the challenges of race and the practice of discrimination
- Understand what it is to be an anti-racist and how to practically engage in the work of building racial equity
- Understand the role of social movements and how to connect it to the classroom
- Examine the differences between individual, gender identity, gender expression, and sexual orientation
- Investigate the importance of context, positionality, and representation
- Examine the importance of language to students
- Examine the importance of representation of students of diverse backgrounds
- Examine the importance of representation of students of diverse backgrounds

Please let us know if you have any questions

Michelle Carter

Michelle Carter

Michelle Carter

Michelle Carter



Norman North Library

Mar 31 · 🌐

International Transgender Day of Visibility is an annual event occurring on March 31 dedicated to celebrating transgender people and raising awareness of... See More



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www.tinyurl.com





Norman North Library



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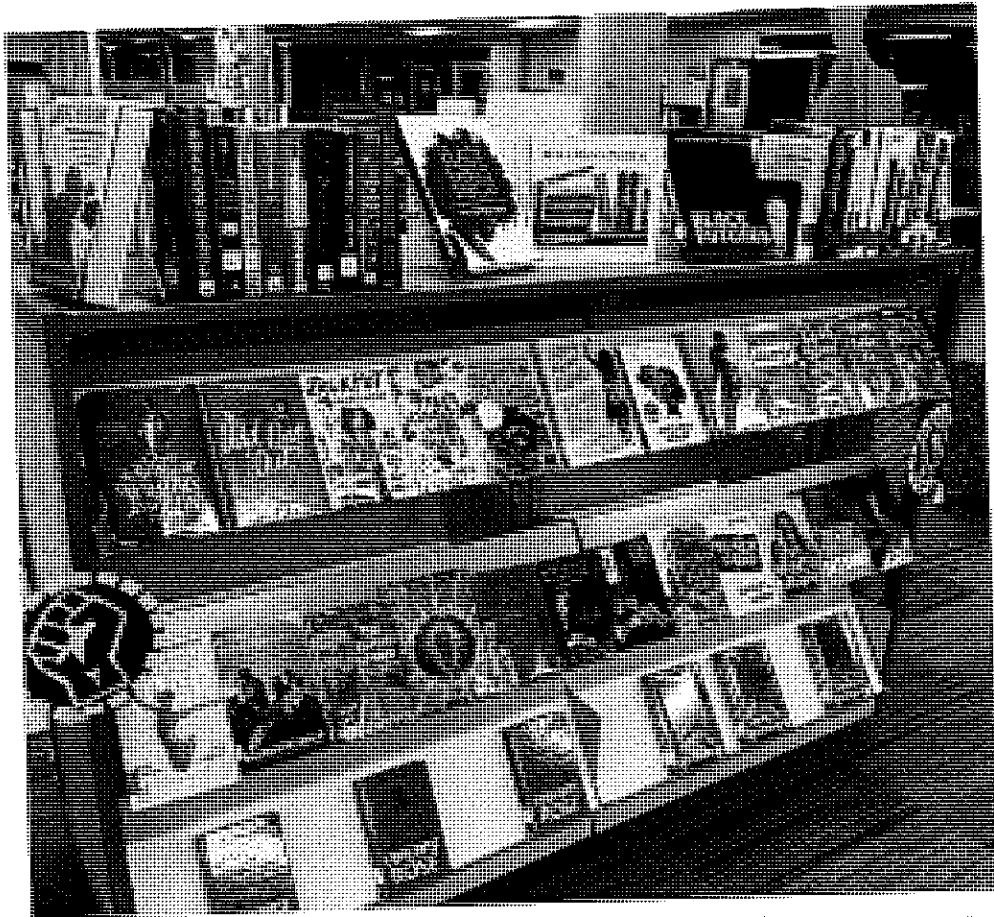


Norman North Library



Mar 12 · 🌐

We love sharing all the different books we have showcasing that #BlackVoicesMatter and #BlackLivesMatter. If you didn't grab any bef... See More



[Learn More](#)



www.tinyurl.com



From: Kevin West

Sent: Thursday, May 20, 2021 2:07 PM

To: Fowler Arthur, Sarah

Subject: FW: HB1775 Information

Attachments: TPS Social Justice Framework in All Subjects.docx; TPS Agenda.jpg; Edmond.jpg; Jenks Pre-K.jpg; Norman North 2.jpg; Norman North 1.jpg

Follow Up Flag: Flag for follow up

Flag Status: Flagged

Representative,

It was a pleasure talking to you today. Below and attached is what I have sent to our Secretary of Education to let him know some of what to be looking for in classrooms and board meetings.

I hope this is helpful information and look forward to working with you in the years to come.

Representative Kevin West

Oklahoma State Representative District 54

Chair: General Government

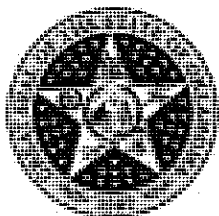
Email: kevin.west@okhouse.gov

Office: (405) 557-7343

Capitol Building Rm. 332.1

2300 N. Lincoln Blvd.

Oklahoma City, OK 73105



The information below is what I have shared with the Secretary of State's office after passage of the bill, Senator Bullard and myself have 3 binders full of printed material and we have each had multiple contacts after passage of the bill telling us about assignments on the "N" word and asking the students if they know people who use it and expressing many other concerns. I would be happy to meet with you anytime and I am sure Senator Bullard would as well.

The attached "TPS Social Justice Framework" document outlines how to incorporate social justice into all subjects.

The "TPS Agenda" attached screen shot of the TPS school board meeting references entering into an agreement with "UnboundED", through the link below you can access information about the toolkit contents of this program.

https://www.unbounded.org/?fbclid=IwAR2awoMGaoWL27MbA2Sf3_0Y_BbslvYANWf17vel1LzmYlj565lofixKqHk

The attached "Edmond" photo is an assignment for English 3 that Edmond Memorial HS had recently.

The attached "Jenks Pre-K" letter is about a "Culturally Responsive Teaching Canvas module." Which appears to be a teacher training program, not specifically a curricula.

The attached "Norman North" screenshots are from the Norman North Library Facebook page which is full of examples like these photos.

The link below is from a Tulsa Public School board meeting in June of 2020, this is some very disturbing info. Apparently they have applied for and received a million dollar grant from the federal government to implement CT3 which contains many of the concepts HB1775 seeks to address. The following is the email shared with me:

A Tulsa mom sent this to a friend of mine who in turn sent it to me. Interesting at about the 23 min. mark in the video link below. The attachment has slides that promote CRT/social justice in all subjects.

Last night a Tulsa parent sent me the attached slides from a SEP-2020 Tulsa public school board meeting. The topic of the slides is "Ideas for a Social Justice Framework in In All Subjects." These slides are in the attached Word document.

HER COMMENTS

"Here's the slides they did in September. They spent Federal Title 1 funding towards it. Over \$1M last year. Every Wednesday when our kids are at home they are doing professional development of teachers doing this. These are from the open records I did. That's how it has their logo."

"Watch starting (video) at 15 min mark. The deputy superintendent basically says our teachers want to be social justice warriors. This is what I witness going to these meetings. Gist bullies anyone that doesn't agree with her way of thinking. Thank you for actually asking me. I keep hoping others see."

"What most don't know is how hard some of have fought to against it because it is here in Tulsa with the arrival of Dr Gist in 2015. She started with elementary so some of us would never know. I went to a mtg where she wants the race massacre taught every year of school including kindergarten."

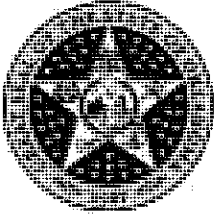
Tulsa school board meeting 6/18/2020

Tulsa parent said to start at minute 15. I found that the most interesting discussion starting with board member Paula Shannon at **minute 23**. She says that they have spent the past four years working to improve the instructional board from an equity perspective. They have worked with Leading Educators and TNTP to build out content cycles and the core curriculum to make the units easy for teachers to teach. She says that they are working on social justice and disrupting inequities in schools. **In minute 28, she references conversations "talking about racial oppression in our system, talking about what it means to be anti-racist, talking about what white privilege does in our system, talking about steps we must urgently take."** She also notes that CT3 is funded via title 1 budgets. Video at: [Boardmeeting6.18.2020.mp4 \(viebit.com\)](#)

Representative Kevin West

Oklahoma State Representative District 54
Chair: General Government
Email: kevin.west@okhouse.gov

Office: (405) 557-7343
Capitol Building Rm. 332.1
2300 N. Lincoln Blvd.
Oklahoma City, OK 73105



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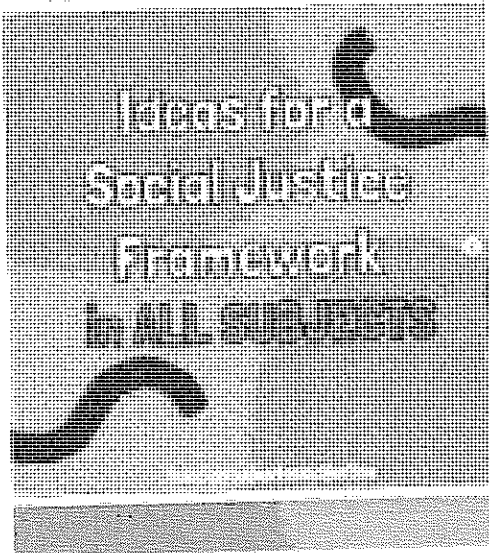


- Account
- Dashboard
- Courses
- Groups
- Calendar
- Help

- Home
- Account settings
- Pages
- People
- Discussions**
- Files
- Classroom set
- Collaboration

Practicing Culturally Responsive-Sustaining Education in ALL Subjects - 3-5 Math
 Published 10/20/2020
 10/20/2020

Culturally Responsive-Sustaining Education is not just for Language or ELA. Check out this Instagram post from @edupia. I have a lot of ideas of CRSE in ALL subjects. If you have Instagram, you can follow @edupia or @edupia to get more ideas for this!





Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Comments



Help



Intelligent design and its control functions of blood vessel morphology graphs and POC

MATH

Students will use algebraic systems, use analytical methods and effects of different spatial problems and instances in which such systems, the central justice system, education, housing, etc.

Applied to for purposes in context, and not in the abstract to analyze and discuss social problems.

Students will use the "mathematical" system for "Social Justice" course.

ENGLISH/READING

Students will use the "mathematical" system for "Social Justice" course.

Students will use the "mathematical" system for "Social Justice" course.



...the ... of ...

HEALTH/NUTRITION

...the ... of ...

When the ... the ...

Use this ... to respond to the following questions. Write ...

- 1. What ...
- 2. Which of these ...
- 3. Which of these ...

... World ...



Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Comments



Help



ESOL

Examine and use English language structures as a means to discuss social issues while bringing student voices and stories into the discussion.

Examine the oppressive nature behind enforcing "Standard English"

Identify and affirm the validity of various English dialects like AAVE and Jamaican Patois

GEOGRAPHY

Examine political borders drawn worldwide why they were drawn, who they benefit, and what damage they have caused to native populations

Examine how natural landscapes have changed over time due to capitalism, industrialization, tourism, etc.

Examine how resources are distributed



Account



Dashboard



Courses



Groups



Calendar



Inbox



Studio



Comments



Help



Introduce million articles about the culture
and social issues with all kinds of multimedia files

Check Findings



How students can make progress of the text
challenge or analysis of the highlight assignments
that they should be able to address

It's important to provide students with some
background around languages that they are those
ideas and how to use them

WORLD LANGUAGES

Examining and use language structures in the
target language as a means to discuss social
issues while helping students with the
structure into the discussion

Check Findings



Introduce vocabulary in the target language
related to social justice and use it in context

Watch film and read texts in the target
language related to social/cultural issues



Account



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Courses



Groups



Calendar



Inbox



Studio



Commons



Help



Challenging systems of oppression and teaching through racial and justice lens can and should be done in all subjects, not just social studies.

The following are some ways in which you can incorporate a social justice framework into your syllabus.

SCIENCE

Learn the effects of capitalism on the environment and biological resources.

Study environmental racism and other aspects of the role of the state, national, and international politics.

Analyze ideology and racism in STEM fields and how to recognize it.



Account



Dashboard



Courses



Films



Calendar



Inbox



Studio



Comments



Help



...the history of music, and the role of music in society
...the history of music, and the role of music in society
...the history of music, and the role of music in society

MUSIC

Learn to and analyse music from the
people with diverse backgrounds and cultures

Examine the lyrics of music and songs with
social justice and political themes and their impact

Discover the history of music being used as
a form of protest during times of struggle
and as an expression of hope and optimism

Have students write/perform music to raise
awareness of social issues

DRAMA/THEATRE

Read and perform plays and scripts with
social justice/political themes and discuss
and analyse them with students

Have students write/perform plays to raise
awareness of social issues



1. **Account** - Manage your account information, including your profile, password, and billing details. You can also view your account history and manage your preferences.

2. **Dashboard** - View a summary of your account activity, including recent orders, invoices, and campaign performance. You can also track your progress towards your goals and see key metrics.

3. **Contact** - Reach out to our support team for assistance with any issues. You can contact us via email, phone, or live chat.

HEALTH/NUTRITION

4. **Estimate** - View and download your account estimates. You can also track the status of your estimates and see when they are due.

5. **Invoice** - View and download your account invoices. You can also track the status of your invoices and see when they are due.

6. **Bill** - View and download your account bills. You can also track the status of your bills and see when they are due.

7. **Campaign** - Manage your account campaigns, including creating new campaigns, editing existing ones, and tracking their performance. You can also view your campaign history and see key metrics.

8. **Help** - Access our help center for answers to common questions and troubleshooting tips. You can also contact our support team for assistance.

When you reach the bottom of the page, you will see a footer with contact information and a copyright notice. This is just a few lines of text at the bottom of the page.

Now this is just to represent the different sections. Please refer to a few of your own.



Account



Dashboard



Courses



Group



Calendar



Inbox



Studio



Comments



Help



Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

P.E.

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

ART

Students are challenged to use and think how we use learning experiences to improve the learning of the systems of application

This makes no sense. Literally none... taken from Tulsa Public Schools agenda for tomorrow night

TEACHING AND LEARNING

- G.2. RECOMMENDATION:** Enter into an agreement with UnboundEd Learning, Inc. to provide a series of virtual professional learning sessions and coaching support with middle school and junior high school leaders focused on increasing understanding of math problem-solving strategies, culturally responsive pedagogy and structures to support teacher development for the 2020 - 2021 school year.

FURTHER RECOMMEND: The attorneys for the school district prepare/approve the appropriate contract document(s) and the proper officers of the Board of Education be authorized to execute the document(s) on behalf of the district.

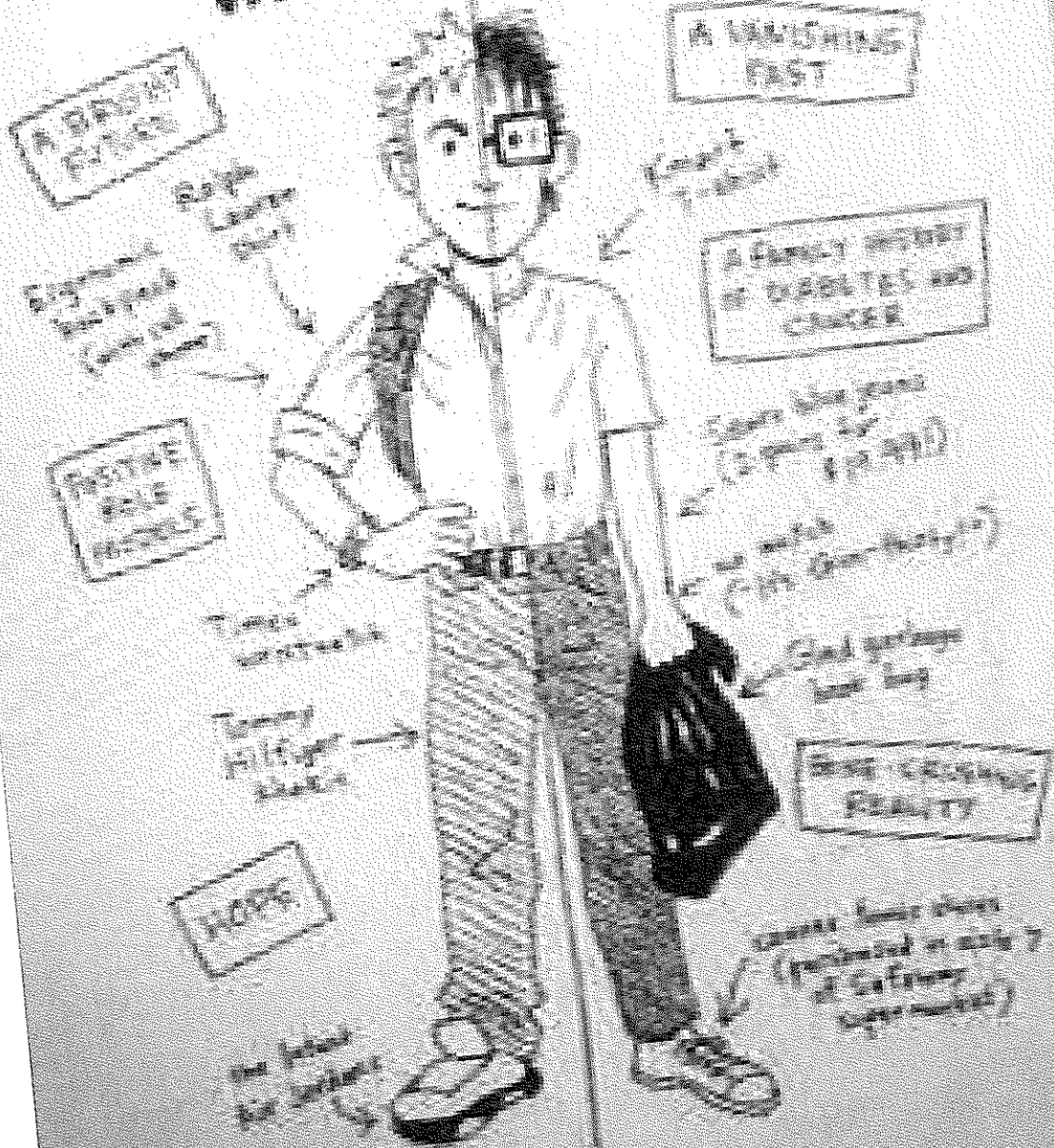
RATIONALE: UnboundEd's Math Identity Leadership Accelerator (MILA) is a 15 month long cohort-based experience for middle school leaders. The program is built around a community of leaders from around the country who are dedicated to improving math instruction and outcomes in their schools using research-based systems, structures, and practices. As a result, middle school students will build mathematical skills that enable independence, academic resilience, and setting and achieving goals. By providing increased access to high-quality, grade-level math instruction in the middle school years, our students will develop persistence in building a solid foundation in more difficult math concepts for moving into advanced math courses in high school, peak student interest in post secondary opportunities like STEM careers, and increase student academic measures in mathematics. With ongoing support and professional development from UnboundEd, school leaders will demonstrate increased proficiency in delivering just-in-time coaching for math problem-solving strategies and culturally responsive instruction, so that teachers report increased awareness and understanding of math problem solving and report greater interest in creating more culturally responsive classrooms. The MILA grant is federally funded through the Supporting Effective Educator Development program.

 Like

 Comment

WHITE

INDIAN



Year	Quarter	Classroom	Teacher	Student

**For Certified and Elementary
Subject: Culturally Responsive Teaching (C) Opportunity!**

Qualified staff members are invited to join a Culturally Responsive Teaching (CRT) cohort. In this four-week cohort, members will reflect and explore what it means to be a practitioner of Culturally Responsive Teaching. We will take place asynchronously in the Learning Center rooms and members will be paid a stipend for their time. The cohort begins on Monday, February 14, and continues through February 28th. We have all sorts of fun activities and hope to be able to report the results next year in the fall. Join us now!

- Explore the origins and purposes of CRT and how it relates to other models
- Examine the impact of CRT on the practice of education
- Identify the challenges of CRT and how to overcome them in the work of building better schools
- Understand the importance of CRT in the current educational landscape
- Explore the relationship between CRT and social justice
- Examine the role of CRT in the development of a school's culture and mission
- Understand the importance of CRT in the development of a school's curriculum and instruction
- Explore the role of CRT in the development of a school's assessment and data collection
- Understand the importance of CRT in the development of a school's professional development
- Explore the role of CRT in the development of a school's community engagement

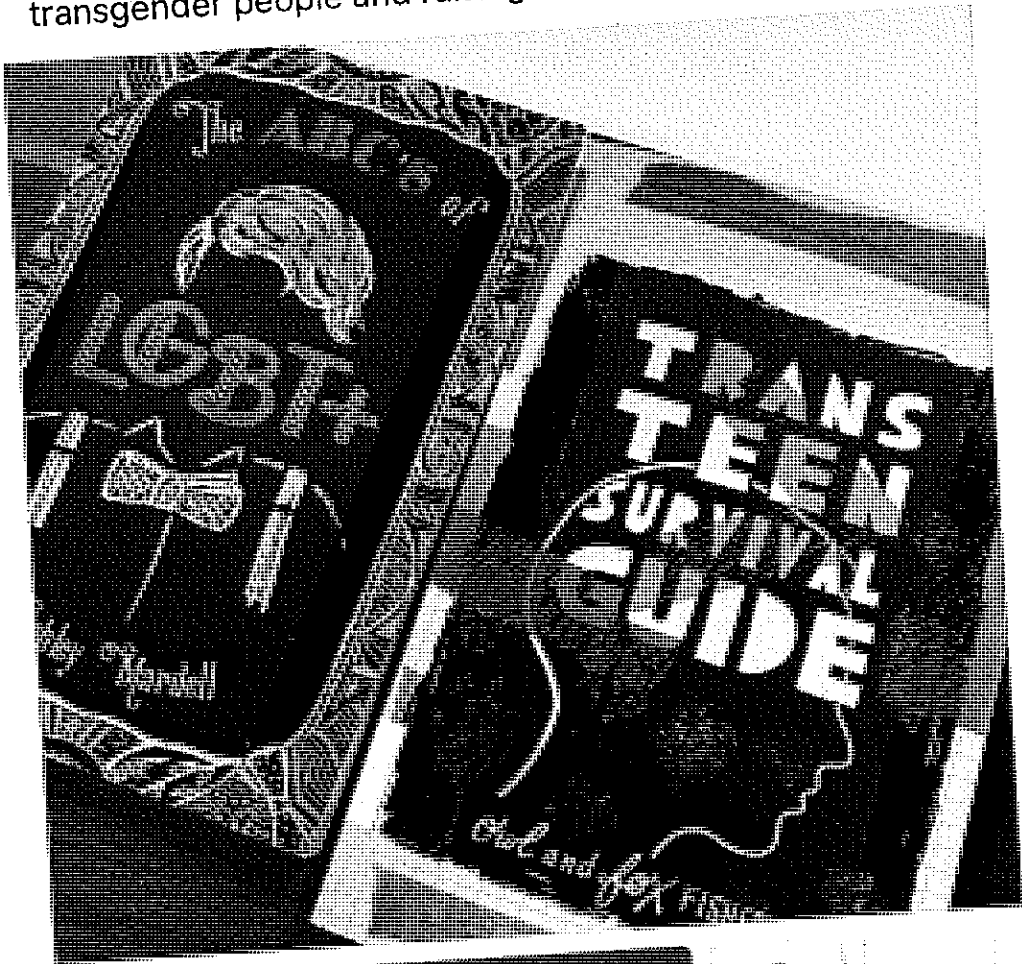
Registration:
Deadline:
Cost:
Contact:



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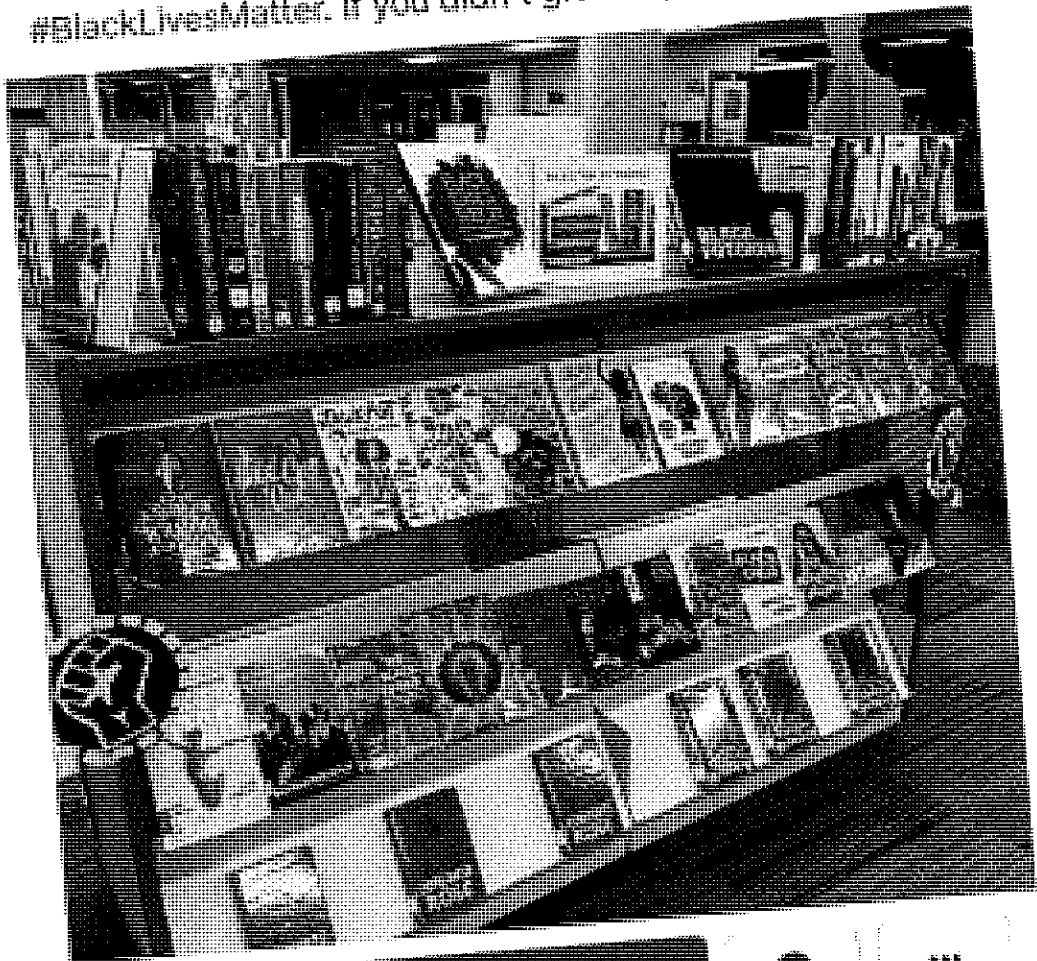




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Mar 12 · 🌐

We love sharing all the different books we have showcasing that #BlackVoicesMatter and #BlackLivesMatter. If you didn't grab any bef... See More



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From: Rep76
Sent: Thursday, May 20, 2021 4:45 PM
To: Fowler Arthur, Sarah
Subject: CRT Legislator Call 9 am, Wed. May 26

Rep. Fowler Arthur,

My office has arranged for a call this Wednesday, 9 am with state legislators that have passed CRT bills in their respective states. Rep. Jones's office is assisting with contacting some of the states, but as of now we have the following members scheduled for the call:

Oklahoma Senator David Bullard
Oklahoma House Representative Kevin West
Idaho House Representative Wendy Horman

We will continue to reach out to the other states that have passed similar bills to bring them to the table for a discussion.

Sincerely,

Diane Grendell

From: Rep76
Sent: Thursday, May 20, 2021 4:45 PM
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Sincerely,

Diane Grendell

From: report@hannah.com
Sent: Thursday, May 20, 2021 8:06 PM
To: DL_Hannah
Subject: Hannah News Stories for Thursday, May 20, 2021

Thursday, May 20, 2021

IN TODAY'S HANNAH REPORT:

[Please click here to read the entire Hannah Report.](#)

Today's Stories

- [Vaccinations Rise after Vax-a-Million Announcement](#)
- [DeWine Announces New Chief of Staff; Dawson Takes New Role in Governor's Office](#)
- [JMOC Sets 3.3 Percent Medicaid Growth Target; Corcoran Demurs on MCO Protests](#)
- [Seitz: Voting Bill Amendments Will Codify Early Voting Hours, Absentee Vote Processing Policy](#)
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- [Campaign Corner: LEAD Ohio](#)
- [Ohio Digest: Hicks Partners](#)
- [Judicial Actions: Juvenile Tool Kit; Opinions](#)

House Committee Reports

- [Criminal Justice](#)
- [Energy and Natural Resources](#)
- [Families, Aging and Human Services](#)
- [Government Oversight](#)

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From: Rep76

Sent: Friday, May 21, 2021 10:32 AM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Please Note: The deadline to cosponsor this legislation has been adjusted to TODAY, May 21 at 3:00 pm.

Ohio House of Representatives



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

As Americans and Ohioans, each one of us is unique with individual skills and capabilities. The concept of individualism is a long held belief in this country—the independence, self-sufficiency, and autonomy of Americans has led to significant achievements throughout history.

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- Engaging in any conduct or educational activity encompassing any claim that, consciously or unconsciously, and by virtue of his or her race, color, nationality, or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;
- Promoting an individual, by virtue of his or her race, color, nationality, or sex, bears responsibility for actions committed in the past by other members of the same race, color, nationality, or sex;
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- Requiring teachings or training in these topics as a prerequisite for or to retain employment.

The bill does **not** prohibit, as part of a course of instruction or in a curriculum or instructional program, or from allowing teachers or other employees to use supplemental instructional materials that include the impartial discussion of history or historical documents.

If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

The deadline to cosponsor this legislation is **Friday, May 21th at 3:00pm**.

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Rep76

Sent: Friday, May 21, 2021 10:32 AM

To: House_All

Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Please Note: The deadline to cosponsor this legislation has been adjusted to TODAY, May 21 at 3:00 pm.



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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From: Ingram, Catherine
Sent: Friday, May 21, 2021 12:58 PM
To: Rep76
CC: House_All
Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

So we will NOT be teaching true American History? How will freedom of speech and Expansion of the Mind, as has been voted on in our chambers, work?
Thanks for your thinking.
Best Hopes

Sent from my iPhone

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Sent: Friday, May 21, 2021 1:39 PM
To: Strope, Lauren
Subject: FW: CRT Legislator Call 9 am, Wed. May 26

I spoke extensively with the OK state rep yesterday so I don't think it would be appropriate to ask him for another hour at this time.
Would you be willing to see if the TN rep who carried their CRT bill would be able to join the call Rep Grendell has set up?

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Ohio State Representative
99th District
o.614-466-1405

From: Rep76 <Rep76@ohiohouse.gov>
Sent: Thursday, May 20, 2021 4:45 PM
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Sent: Friday, May 21, 2021 2:24 PM
To: Rep76
Subject: Re: CRT Legislator Call 9 am, Wed. May 26

What is the location for the call?
Or is it an option for folks to call in?
Sarah

Get [Outlook for Android](#)

From: Rep76 <Rep76@ohiohouse.gov>
Sent: Thursday, May 20, 2021 4:44:58 PM
To: Fowler Arthur, Sarah <Sarah.FowlerArthur@ohiohouse.gov>
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To: Fowler Arthur, Sarah
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Sent: Monday, May 24, 2021 9:49:02 AM
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From: Strobe, Lauren
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Subject: CRT Information RoundTable

Ohio House of Representatives



Representative Sarah Fowler Arthur

To: All House Members
From: Representative Sarah Fowler Arthur & Representative Diane Grendell
RE: CRT Information RoundTable
Date: May 24th, 2021

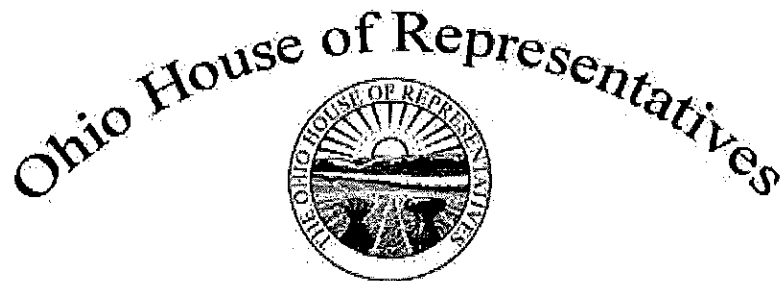
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From: report@hannah.com
Sent: Tuesday, May 25, 2021 9:46 PM
To: DL_Hannah
Subject: Hannah News Stories for Tuesday, May 25, 2021

Tuesday, May 25, 2021

IN TODAY'S HANNAH REPORT:

Please click here to read the entire Hannah Report.

Today's Stories

- Yost, Census Bureau Reach Agreement to Release Redistricting Data in August
- Bill Banning Vaccine Mandates Draws Proponents; 62 Groups Form Coalition to Oppose Bill
- McColley Testifies Bail Reform Bill Moves from Setting High Bail to Keep Offenders in Jail
- Administration Marks Anniversary of George Floyd's Death, Adopts New Police Standard
- Rep. Jones Proposal Targets Instruction on Critical Race Theory, Gender, Policy Advocacy
- Schaffer, Wiggam Offer Bills Protecting Gun Rights During Emergency Orders
- State Needs More Funding to Address Water Infrastructure, Ohio EPA Director Says
- Travel Expected to Rebound for Ohioans this Memorial Day
- Portman Talks Economy, Police Reform, Jan. 6 Investigations
- State Government Roundup: Medical Marijuana; Developmental Disabilities Council
- Ohio Digest: Home Sales
- Campus Chronicle: Malone University
- Ohio Attorney General Opinion Request
- Judicial Actions: Falter; Opinions
- Legislative Schedule Changes

House Committee Reports

- Agriculture and Conservation
- Civil Justice
- Health
- Primary and Secondary Education
- Rules and Reference
- Ways and Means

Senate Committee Reports

- Agriculture and Natural Resources
- Energy and Public Utilities
- Judiciary
- Primary and Secondary Education
- Veterans and Public Safety

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- [Travel Expected to Rebound for Ohioans this Memorial Day](#)
- [Portman Talks Economy, Police Reform, Jan. 6 Investigations](#)
- [State Government Roundup: Medical Marijuana; Developmental Disabilities Council](#)
- [Ohio Digest: Home Sales](#)
- [Campus Chronicle: Malone University](#)
- [Ohio Attorney General Opinion Request](#)
- [Judicial Actions: Falter; Opinions](#)
- [Legislative Schedule Changes](#)

House Committee Reports

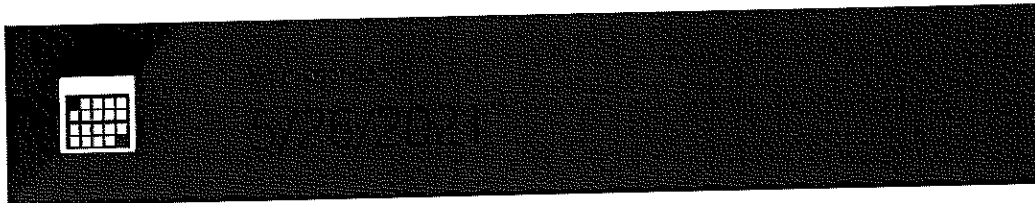
- [Agriculture and Conservation](#)
- [Civil Justice](#)
- [Health](#)
- [Primary and Secondary Education](#)
- [Rules and Reference](#)
- [Ways and Means](#)

Senate Committee Reports

- [Agriculture and Natural Resources](#)
- [Energy and Public Utilities](#)
- [Judiciary](#)
- [Primary and Secondary Education](#)
- [Veterans and Public Safety](#)

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Sent: Wednesday, May 26, 2021 3:06 AM
To: Fowler Arthur, Sarah
Subject: Daily schedule on Wednesday, May 26, 2021



Today's events

All day

Session

8:00 AM - 9:00 AM

Bible Study

8:30 AM - 9:30 AM

Convention of States Project founder Mark

Meckler

Capitol Atrium

9:00 AM - 10:00 AM

CRT ROUNDTABLE W/ REP. GRENDALL

10:30 AM - 11:00 AM

Coffee with Rep. Cross

11:30 AM - 12:00 PM

Brian Beaumont

Riffe

12:00 PM - 1:00 PM

Majority Caucus Meetings

Statehouse Room 313 (Finance Committee hearing room)

1:00 PM - 2:00 PM

Session

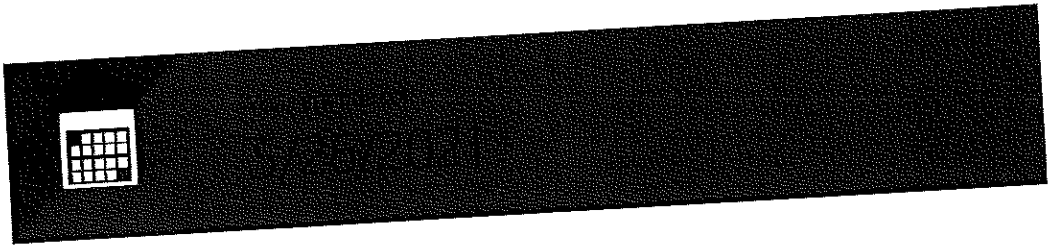
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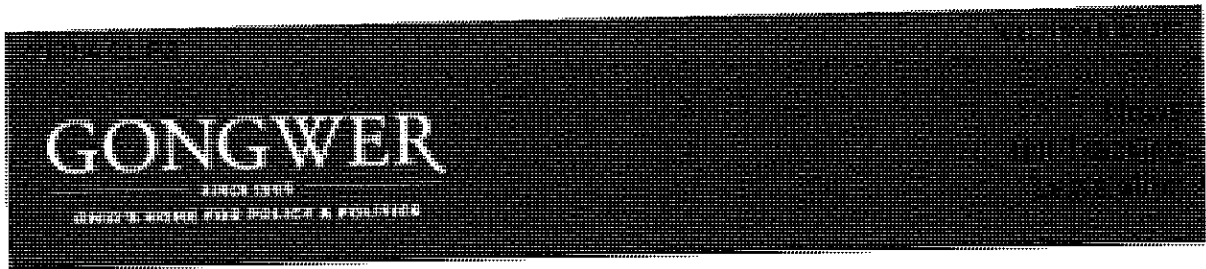
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NEWS



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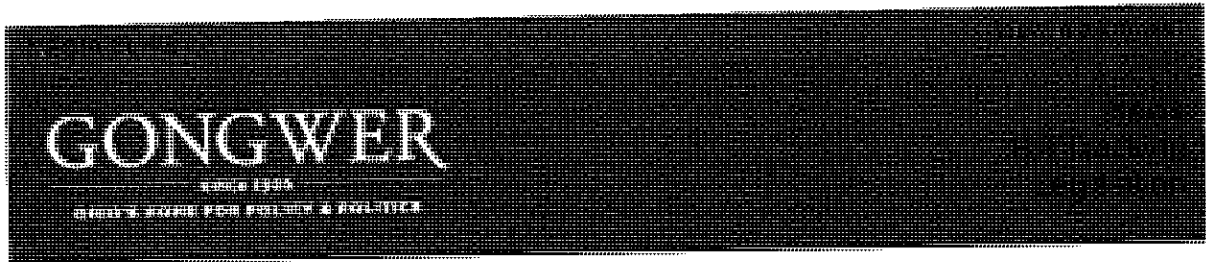
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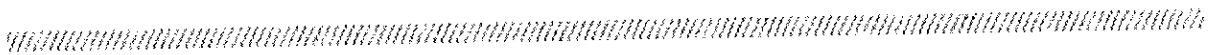
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From: Melanie Elsey
Sent: Wednesday, May 26, 2021 5:50 PM
To: Fowler Arthur, Sarah
Subject: HB322 details and feedback/opinion
Attachments: HB322 Don Jones CRT.pdf; Notes on HB322 CRT or related concepts.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

Hi Rep. Fowler Arthur,

I have copied summary points below and attached the same as a pdf.
Opinions and feedback are at the end.

Thank you,
Melanie

NOTES: HB 322 as introduced 5/25/21

**New section on p. 9
RC 3313.6027**

No state agency, school district, or school administration shall require the following types of teachers to discuss widely debated or controversial current events or issues of public policy or social affairs: history, civics, U.S. government, politics, social studies or similar subject areas.

Teachers who choose to do so shall do their best - "strive" - to explore such issues from diverse and contending perspectives.

Teachers shall not require or make part of a course on history, civics, U.S. government and politics, social studies or similar subject area any of the following:

1. Student work / affiliation / service learning in association with any organization engaged in lobbying (local, state, or federal).
2. Lobbying for legislation (local, state, or federal)

No state agency or school district shall accept private funding for curricula development or materials or teacher training pertaining to courses on history, civics, U.S. government and politics, social studies, or similar subject areas

**New section on p. 10
RC 3313.6028**

No state agency, school district or school administration shall teach / instruct / train any administrator, teacher, staff member, or employee to adopt or believe any of the following concepts:

1. One race or sex is inherently superior
2. An individual (based on his or her own race) is inherently racist, sexist, or oppressive
3. An individual should be discriminated against based on his/her race.
4. "Members of one race cannot or should not attempt to treat others without respect to race." ***I have no idea what this means.***
5. An individual's moral standing or worth is determined by his/her own race.
6. An individual bears responsibility for actions committed in the past by other members of his/her own race or sex.
7. An individual should feel any form of psychological distress on account of his / her own race.
8. Meritocracy or traits of a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress others of a different race or sex.
9. Fault, blame, or bias should be assigned to a race or sex
10. The advent of slavery in the territory that is now the United States constituted the true founding of the United States. (This conceptually refers to the 1619 Project)
11. With respect to American values, slavery or racism are anything other than betrayals to authentic founding principles which include liberty and equality

No teacher shall approve for use or make use of any materials or practices that serve to inculcate the concepts in #1-11 above.
If a student completes a course that includes any of the concepts in #1-11 it shall not count toward graduation.

Existing section 3301.079(B)(1) is amended on p. 5 to prohibit the ODE from developing any state model curricula that incorporates the concepts in #1-11 above.

New section on p. 12
RC 3313.6029

No teacher shall be required as a matter of policy to affirm a belief in the systemic nature of racism, or similar idea OR in the multiplicity or fluidity of gender identities or similar ideas against a teacher's sincerely held religious beliefs or philosophical convictions.

RC 3314.03 is amended to state that public charter schools shall comply with two of the three new sections.

RC 3326.11 is amended to state that public STEM schools shall comply with two of the three new sections.

Feedback:

1. It says agencies, districts, and administrations can't require...this doesn't restrict an individual teacher's speech.
2. Teachers can't force students to be affiliated with or be engaged with lobbying orgs. There are plenty of nonprofit groups or individual activists who can come in and teach CRT that are not engaged in lobbying.
3. Private funding can't be accepted to pay for teacher training or curricula for civics / social studies types of courses. This doesn't prevent the acceptance of federal grants. The U.S. Department of Education is currently prioritizing two grant programs under Title II, part B, subpart 3 of ESEA to incorporate teaching and learning practices that take into account "systemic marginalization, inequities, and discriminatory policy and practices in American history" and helping students to "understand their own biases."
4. The section that lists CRT concepts states that agencies, districts, and administrations can't include them in teacher training or professional development. This doesn't prevent teachers from discussing CRT concepts.
5. Teachers can't approve CRT materials but that doesn't keep them from discussing the concepts.
6. Courses that include CRT concepts can't be counted toward graduation. This would only apply to high schools, not grades 1-8.
7. It is unclear why chartered nonpublic schools were not included in these state policy changes.
8. This bill may create a few hurdles for Critical Race Theory or similar philosophies but it probably won't prevent teacher activism.
9. On the positive side this bill would serve to protect teachers from being forced to participate.

Melanie Elsey
The Public Square®
thepublicsquare.com
(800) 522-VOTE (8683)

As Introduced

134th General Assembly
Regular Session
2021-2022

H. B. No. 322

Representative Jones

Cosponsors: Representatives Schmidt, John, McClain, Holmes, Plummer, Zeltwanger, Riedel, Cutrona, Hall, Merrin, Gross, Edwards, Stoltzfus, Stewart, Carruthers, Stein, Dean, Jordan, Hoops, Cross, Baldrige, Ferguson, Kick, Wiggam, Abrams, Richardson, Fowler Arthur

A BILL

To amend sections 3301.079, 3314.03, and 3326.11
and to enact sections 3313.6027, 3313.6028, and
3313.6029 of the Revised Code regarding the
teaching of certain current events and certain
concepts regarding race and sex in public
schools.

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

Section 1. That sections 3301.079, 3314.03, and 3326.11 be amended and sections 3313.6027, 3313.6028, and 3313.6029 of the Revised Code be enacted to read as follows:

Sec. 3301.079. (A) (1) The state board of education periodically shall adopt statewide academic standards with emphasis on coherence, focus, and essential knowledge and that are more challenging and demanding when compared to international standards for each of grades kindergarten through twelve in English language arts, mathematics, science, and social studies.

**H. B. No. 322
As Introduced**

(a) The state board shall ensure that the standards do all of the following: 17
18

(i) Include the essential academic content and skills that students are expected to know and be able to do at each grade level that will allow each student to be prepared for postsecondary instruction and the workplace for success in the twenty-first century; 19
20
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(ii) Include the development of skill sets that promote information, media, and technological literacy; 24
25

(iii) Include interdisciplinary, project-based, real-world learning opportunities; 26
27

(iv) Instill life-long learning by providing essential knowledge and skills based in the liberal arts tradition, as well as science, technology, engineering, mathematics, and career-technical education; 28
29
30
31

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public. 32
33

(b) Not later than July 1, 2012, the state board shall incorporate into the social studies standards for grades four to twelve academic content regarding the original texts of the Declaration of Independence, the Northwest Ordinance, the Constitution of the United States and its amendments, with emphasis on the Bill of Rights, and the Ohio Constitution, and their original context. The state board shall revise the model curricula and achievement assessments adopted under divisions (B) and (C) of this section as necessary to reflect the additional American history and American government content. The state board shall make available a list of suggested grade-appropriate supplemental readings that place the documents 34
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4

prescribed by this division in their historical context, which 46
teachers may use as a resource to assist students in reading the 47
documents within that context. 48

(c) When the state board adopts or revises academic 49
content standards in social studies, American history, American 50
government, or science under division (A) (1) of this section, 51
the state board shall develop such standards independently and 52
not as part of a multistate consortium. 53

(2) After completing the standards required by division 54
(A) (1) of this section, the state board shall adopt standards 55
and model curricula for instruction in technology, financial 56
literacy and entrepreneurship, fine arts, and foreign language 57
for grades kindergarten through twelve. The standards shall meet 58
the same requirements prescribed in division (A) (1) (a) of this 59
section. 60

(3) The state board shall adopt the most recent standards 61
developed by the national association for sport and physical 62
education for physical education in grades kindergarten through 63
twelve or shall adopt its own standards for physical education 64
in those grades and revise and update them periodically. 65

The department of education shall employ a full-time 66
physical education coordinator to provide guidance and technical 67
assistance to districts, community schools, and STEM schools in 68
implementing the physical education standards adopted under this 69
division. The superintendent of public instruction shall 70
determine that the person employed as coordinator is qualified 71
for the position, as demonstrated by possessing an adequate 72
combination of education, license, and experience. 73

(4) Not later than December 31, 2018, the state board 74

shall adopt standards and a model curriculum for instruction in 75
computer science in grades kindergarten through twelve, which 76
shall include standards for introductory and advanced computer 77
science courses in grades nine through twelve. When developing 78
the standards and curriculum, the state board shall consider 79
recommendations from computer science education stakeholder 80
groups, including teachers and representatives from higher 81
education, industry, computer science organizations in Ohio, and 82
national computer science organizations. 83

Any district or school may utilize the computer science 84
standards or model curriculum or any part thereof adopted 85
pursuant to division (A) (4) of this section. However, no 86
district or school shall be required to utilize all or any part 87
of the standards or curriculum. 88

(5) When academic standards have been completed for any 89
subject area required by this section, the state board shall 90
inform all school districts, all community schools established 91
under Chapter 3314. of the Revised Code, all STEM schools 92
established under Chapter 3326. of the Revised Code, and all 93
nonpublic schools required to administer the assessments 94
prescribed by sections 3301.0710 and 3301.0712 of the Revised 95
Code of the content of those standards. Additionally, upon 96
completion of any academic standards under this section, the 97
department shall post those standards on the department's web 98
site. 99

(B) (1) The state board shall adopt a model curriculum for 100
instruction in each subject area for which updated academic 101
standards are required by division (A) (1) of this section and 102
for each of grades kindergarten through twelve that is 103
sufficient to meet the needs of students in every community. The 104

model curriculum shall be aligned with the standards, to ensure 105
that the academic content and skills specified for each grade 106
level are taught to students, and shall demonstrate vertical 107
articulation and emphasize coherence, focus, and rigor. When any 108
model curriculum has been completed, the state board shall 109
inform all school districts, community schools, and STEM schools 110
of the content of that model curriculum. 111

At no time shall the state board adopt any model 112
curriculum under this section regarding the concepts described 113
in divisions (A) (1) to (11) of section 3313.6028 of the Revised 114
Code. 115

(2) Not later than June 30, 2013, the state board, in 116
consultation with any office housed in the governor's office 117
that deals with workforce development, shall adopt model 118
curricula for grades kindergarten through twelve that embed 119
career connection learning strategies into regular classroom 120
instruction. 121

(3) All school districts, community schools, and STEM 122
schools may utilize the state standards and the model curriculum 123
established by the state board, together with other relevant 124
resources, examples, or models to ensure that students have the 125
opportunity to attain the academic standards. Upon request, the 126
department shall provide technical assistance to any district, 127
community school, or STEM school in implementing the model 128
curriculum. 129

Nothing in this section requires any school district to 130
utilize all or any part of a model curriculum developed under 131
this section. 132

(C) The state board shall develop achievement assessments 133

aligned with the academic standards and model curriculum for 134
each of the subject areas and grade levels required by divisions 135
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 136

When any achievement assessment has been completed, the 137
state board shall inform all school districts, community 138
schools, STEM schools, and nonpublic schools required to 139
administer the assessment of its completion, and the department 140
shall make the achievement assessment available to the districts 141
and schools. 142

(D) (1) The state board shall adopt a diagnostic assessment 143
aligned with the academic standards and model curriculum for 144
each of grades kindergarten through two in reading, writing, and 145
mathematics and for grade three in reading and writing. The 146
diagnostic assessment shall be designed to measure student 147
comprehension of academic content and mastery of related skills 148
for the relevant subject area and grade level. Any diagnostic 149
assessment shall not include components to identify gifted 150
students. Blank copies of diagnostic assessments shall be public 151
records. 152

(2) When each diagnostic assessment has been completed, 153
the state board shall inform all school districts of its 154
completion and the department shall make the diagnostic 155
assessment available to the districts at no cost to the 156
district. 157

(3) School districts shall administer the diagnostic 158
assessment pursuant to section 3301.0715 of the Revised Code 159
beginning the first school year following the development of the 160
assessment. 161

However, beginning with the 2017-2018 school year, both of 162

the following shall apply: 163

(a) In the case of the diagnostic assessments for grades 164
one or two in writing or mathematics or for grade three in 165
writing, a school district shall not be required to administer 166
any such assessment, but may do so at the discretion of the 167
district board; 168

(b) In the case of any diagnostic assessment that is not 169
for the grade levels and subject areas specified in division (D) 170
(3) (a) of this section, each school district shall administer 171
the assessment in the manner prescribed by section 3301.0715 of 172
the Revised Code. 173

(E) The state board shall not adopt a diagnostic or 174
achievement assessment for any grade level or subject area other 175
than those specified in this section. 176

(F) Whenever the state board or the department consults 177
with persons for the purpose of drafting or reviewing any 178
standards, diagnostic assessments, achievement assessments, or 179
model curriculum required under this section, the state board or 180
the department shall first consult with parents of students in 181
kindergarten through twelfth grade and with active Ohio 182
classroom teachers, other school personnel, and administrators 183
with expertise in the appropriate subject area. Whenever 184
practicable, the state board and department shall consult with 185
teachers recognized as outstanding in their fields. 186

If the department contracts with more than one outside 187
entity for the development of the achievement assessments 188
required by this section, the department shall ensure the 189
interchangeability of those assessments. 190

(G) Whenever the state board adopts standards or model 191

curricula under this section, the department also shall provide 192
information on the use of blended or digital learning in the 193
delivery of the standards or curricula to students in accordance 194
with division (A)(5) of this section. 195

(H) The fairness sensitivity review committee, established 196
by rule of the state board of education, shall not allow any 197
question on any achievement or diagnostic assessment developed 198
under this section or any proficiency test prescribed by former 199
section 3301.0710 of the Revised Code, as it existed prior to 200
September 11, 2001, to include, be written to promote, or 201
inquire as to individual moral or social values or beliefs. The 202
decision of the committee shall be final. This section does not 203
create a private cause of action. 204

(I) Not later than sixty days prior to the adoption by the 205
state board of updated academic standards under division (A)(1) 206
of this section or updated model curricula under division (B)(1) 207
of this section, the superintendent of public instruction shall 208
present the academic standards or model curricula, as 209
applicable, in person at a public hearing of the respective 210
committees of the house of representatives and senate that 211
consider education legislation. 212

(J) As used in this section: 213

(1) "Blended learning" means the delivery of instruction 214
in a combination of time in a supervised physical location away 215
from home and online delivery whereby the student has some 216
element of control over time, place, path, or pace of learning. 217

(2) "Coherence" means a reflection of the structure of the 218
discipline being taught. 219

(3) "Digital learning" means learning facilitated by 220

technology that gives students some element of control over 221
time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in 223
a curriculum to allow for deeper exploration of the subject 224
matter. 225

(5) "Vertical articulation" means key academic concepts 226
and skills associated with mastery in particular content areas 227
should be articulated and reinforced in a developmentally 228
appropriate manner at each grade level so that over time 229
students acquire a depth of knowledge and understanding in the 230
core academic disciplines. 231

Sec. 3313.6027. (A) No state agency, school district, or 232
school administration shall require a teacher of history, 233
civics, United States government and politics, social studies, 234
or similar subject areas who is employed by the board of 235
education of a school district to discuss current events or 236
widely debated and currently controversial issues of public 237
policy or social affairs. 238

It is the policy of this state that teachers who choose to 239
discuss current events or widely debated and currently 240
controversial issues of public policy or social affairs, to the 241
best of their abilities, shall strive to explore such issues 242
from diverse and contending perspectives. 243

(B) In any course on history, civics, United States 244
government and politics, social studies, or a similar subject 245
area, no school district shall require, make part of such a 246
course, or award course grading or credit for any of the 247
following: 248

(1) Student work for, affiliation with, or service 249

H. B. No. 322
As Introduced

<u>learning in association with any organization engaged in</u>	250
<u>lobbying for legislation at the local, state, or federal level</u>	251
<u>or in social or public policy advocacy;</u>	252
<u>(2) Lobbying for legislation at the local, state, or</u>	253
<u>federal level;</u>	254
<u>(3) Any practicum, action project, or similar activity</u>	255
<u>that involves social or public policy advocacy.</u>	256
<u>(C) No state agency or school district shall accept</u>	257
<u>private funding for curriculum development, purchase or</u>	258
<u>selection of curricular materials, teacher training,</u>	259
<u>professional development, or continuing teacher education</u>	260
<u>pertaining to courses on history, civics, United States</u>	261
<u>government and politics, social studies, or similar subject</u>	262
<u>areas.</u>	263
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	264
<u>school shall teach, instruct, or train any administrator,</u>	265
<u>teacher, staff, member, or employee to adopt or believe any of</u>	266
<u>the following concepts:</u>	267
<u>(1) One race or sex is inherently superior to another race</u>	268
<u>or sex;</u>	269
<u>(2) An individual, by virtue of the individual's race or</u>	270
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	271
<u>consciously or unconsciously;</u>	272
<u>(3) An individual should be discriminated against or</u>	273
<u>receive adverse treatment solely or partly because of the</u>	274
<u>individual's race;</u>	275
<u>(4) Members of one race cannot or should not attempt to</u>	276
<u>treat others without respect to race;</u>	277

<u>(5) An individual's moral standing or worth is necessarily</u>	278
<u>determined by the individual's race or sex;</u>	279
<u>(6) An individual, by virtue of the individual's race or</u>	280
<u>sex, bears responsibility for actions committed in the past by</u>	281
<u>other members of the same race or sex;</u>	282
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	283
<u>or any other form of psychological distress on account of the</u>	284
<u>individual's race or sex;</u>	285
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	286
<u>racist or sexist or were created by members of a particular race</u>	287
<u>or sex to oppress members of another race or sex;</u>	288
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	289
<u>sex or to members of that race or sex because of their race or</u>	290
<u>sex;</u>	291
<u>(10) The advent of slavery in the territory that is now</u>	292
<u>the United States constituted the true founding of the United</u>	293
<u>States;</u>	294
<u>(11) With respect to their relationship to American</u>	295
<u>values, slavery and racism are anything other than deviations</u>	296
<u>from, betrayals of, or failures to live up to the authentic</u>	297
<u>founding principles of the United States, which include liberty</u>	298
<u>and equality.</u>	299
<u>(B) No teacher or school administrator employed by a</u>	300
<u>school district or employee of a state agency shall approve for</u>	301
<u>use, make use of, or carry out standards, curricula, lesson</u>	302
<u>plans, textbooks, instructional materials, or instructional</u>	303
<u>practices that serve to inculcate the concepts described in</u>	304
<u>divisions (A) (1) to (11) of this section.</u>	305

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- (C) If a student completes a course that includes any of the concepts described in divisions (A) (1) to (11) of this section, that course shall not count towards the requirements for high school graduation specified in section 3313.603 of the Revised Code. 306
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- Sec. 3313.6029. No teacher shall be required by a policy of any state agency, school district, or school administration to affirm a belief in the systemic nature of racism, or like ideas, or in the multiplicity or fluidity of gender identities, or like ideas, against the teacher's sincerely held religious or philosophical convictions. 311
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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. 317
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- (A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 322
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- (1) That the school shall be established as either of the following: 325
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- (a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 2003; 327
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- (b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003. 330
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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the 332
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focus of the curriculum;	335
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	336 337 338 339
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	340 341 342 343
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	344 345 346
(6) (a) Dismissal procedures;	347
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	348 349 350 351 352 353
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	354 355
(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.	356 357 358 359 360 361
(9) An addendum to the contract outlining the facilities	362

to be used that contains at least the following information;	363
(a) A detailed description of each facility used for instructional purposes;	364 365
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	366 367
(c) The annual mortgage principal and interest payments that are paid by the school;	368 369
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	370 371 372
(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.	373 374 375 376 377 378
(11) That the school will comply with the following requirements:	379 380
(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.	381 382 383
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	384 385 386
(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.	387 388 389 390

(d) The school will comply with sections 9.90, 9.91, 391
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 392
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 393
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 394
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 395
3313.6025, ~~3313.6027, 3313.6028~~, 3313.643, 3313.648, 3313.6411, 396
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 397
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 398
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 399
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 400
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 401
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 402
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 403
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 404
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 405
4112., 4123., 4141., and 4167. of the Revised Code as if it were 406
a school district and will comply with section 3301.0714 of the 407
Revised Code in the manner specified in section 3314.17 of the 408
Revised Code. 409

(e) The school shall comply with Chapter 102. and section 410
2921.42 of the Revised Code. 411

(f) The school will comply with sections 3313.61, 412
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 413
Revised Code, except that for students who enter ninth grade for 414
the first time before July 1, 2010, the requirement in sections 415
3313.61 and 3313.611 of the Revised Code that a person must 416
successfully complete the curriculum in any high school prior to 417
receiving a high school diploma may be met by completing the 418
curriculum adopted by the governing authority of the community 419
school rather than the curriculum specified in Title XXXIII of 420
the Revised Code or any rules of the state board of education. 421

Beginning with students who enter ninth grade for the first time 422
on or after July 1, 2010, the requirement in sections 3313.61 423
and 3313.611 of the Revised Code that a person must successfully 424
complete the curriculum of a high school prior to receiving a 425
high school diploma shall be met by completing the requirements 426
prescribed in division (C) of section 3313.603 of the Revised 427
Code, unless the person qualifies under division (D) or (F) of 428
that section. Each school shall comply with the plan for 429
awarding high school credit based on demonstration of subject 430
area competency, and beginning with the 2017-2018 school year, 431
with the updated plan that permits students enrolled in seventh 432
and eighth grade to meet curriculum requirements based on 433
subject area competency adopted by the state board of education 434
under divisions (J) (1) and (2) of section 3313.603 of the 435
Revised Code. Beginning with the 2018-2019 school year, the 436
school shall comply with the framework for granting units of 437
high school credit to students who demonstrate subject area 438
competency through work-based learning experiences, internships, 439
or cooperative education developed by the department under 440
division (J) (3) of section 3313.603 of the Revised Code. 441

(g) The school governing authority will submit within four 442
months after the end of each school year a report of its 443
activities and progress in meeting the goals and standards of 444
divisions (A) (3) and (4) of this section and its financial 445
status to the sponsor and the parents of all students enrolled 446
in the school. 447

(h) The school, unless it is an internet- or computer- 448
based community school, will comply with section 3313.801 of the 449
Revised Code as if it were a school district. 450

(i) If the school is the recipient of moneys from a grant 451

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

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

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

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

(ii) A community school in which a majority of the
enrolled students are children with disabilities as described in
division (A) (4) (b) of section 3314.35 of the Revised Code.

(l) 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.

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

(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.

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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 481
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- (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. 483
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- (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; 486
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- (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 the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 490
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 501
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 50
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	510 511
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	512 513 514
(c) Permit the enrollment of students who reside in any other district in the state.	515 516
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	517 518 519 520
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	521 522 523
(22) A provision recognizing both of the following:	524
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	525 526 527 528
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	529 530 531 532 533 534 535
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	536 537

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classroom-based learning opportunities that is in compliance	538
with criteria for student participation established by the	539
department under division (H) (2) of section 3314.08 of the	540
Revised Code;	541
(24) The school will comply with sections 3302.04 and	542
3302.041 of the Revised Code, except that any action required to	543
be taken by a school district pursuant to those sections shall	544
be taken by the sponsor of the school. However, the sponsor	545
shall not be required to take any action described in division	546
(F) of section 3302.04 of the Revised Code.	547
(25) Beginning in the 2006-2007 school year, the school	548
will open for operation not later than the thirtieth day of	549
September each school year, unless the mission of the school as	550
specified under division (A) (2) of this section is solely to	551
serve dropouts. In its initial year of operation, if the school	552
fails to open by the thirtieth day of September, or within one	553
year after the adoption of the contract pursuant to division (D)	554
of section 3314.02 of the Revised Code if the mission of the	555
school is solely to serve dropouts, the contract shall be void.	556
(26) Whether the school's governing authority is planning	557
to seek designation for the school as a STEM school equivalent	558
under section 3326.032 of the Revised Code;	559
(27) That the school's attendance and participation	560
policies will be available for public inspection;	561
(28) That the school's attendance and participation	562
records shall be made available to the department of education,	563
auditor of state, and school's sponsor to the extent permitted	564
under and in accordance with the "Family Educational Rights and	565
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	566

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and any regulations promulgated under that act, and section	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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shall be independent from the operator with which the school has
contracted. 594
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(32) A provision requiring the governing authority to 596
adopt an enrollment and attendance policy that requires a 597
student's parent to notify the community school in which the 598
student is enrolled when there is a change in the location of 599
the parent's or student's primary residence. 600

(33) A provision requiring the governing authority to 601
adopt a student residence and address verification policy for 602
students enrolling in or attending the school. 603

(B) The community school shall also submit to the sponsor 604
a comprehensive plan for the school. The plan shall specify the 605
following: 606

(1) The process by which the governing authority of the 607
school will be selected in the future; 608

(2) The management and administration of the school; 609

(3) If the community school is a currently existing public 610
school or educational service center building, alternative 611
arrangements for current public school students who choose not 612
to attend the converted school and for teachers who choose not 613
to teach in the school or building after conversion; 614

(4) The instructional program and educational philosophy 615
of the school; 616

(5) Internal financial controls. 617

When submitting the plan under this division, the school 618
shall also submit copies of all policies and procedures 619
regarding internal financial controls adopted by the governing 620
authority of the school. 621

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

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

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

(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

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correct problems in the school's overall performance, declare 651
the school to be on probationary status pursuant to section 652
3314.073 of the Revised Code, suspend the operation of the 653
school pursuant to section 3314.072 of the Revised Code, or 654
terminate the contract of the school pursuant to section 3314.07 655
of the Revised Code as determined necessary by the sponsor; 656

(6) Have in place a plan of action to be undertaken in the 657
event the community school experiences financial difficulties or 658
closes prior to the end of a school year. 659

(E) Upon the expiration of a contract entered into under 660
this section, the sponsor of a community school may, with the 661
approval of the governing authority of the school, renew that 662
contract for a period of time determined by the sponsor, but not 663
ending earlier than the end of any school year, if the sponsor 664
finds that the school's compliance with applicable laws and 665
terms of the contract and the school's progress in meeting the 666
academic goals prescribed in the contract have been 667
satisfactory. Any contract that is renewed under this division 668
remains subject to the provisions of sections 3314.07, 3314.072, 669
and 3314.073 of the Revised Code. 670

(F) If a community school fails to open for operation 671
within one year after the contract entered into under this 672
section is adopted pursuant to division (D) of section 3314.02 673
of the Revised Code or permanently closes prior to the 674
expiration of the contract, the contract shall be void and the 675
school shall not enter into a contract with any other sponsor. A 676
school shall not be considered permanently closed because the 677
operations of the school have been suspended pursuant to section 678
3314.072 of the Revised Code. 679

Sec. 3326.11. Each science, technology, engineering, and 680

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mathematics school established under this chapter and its 681
governing body shall comply with sections 9.90, 9.91, 109.65, 682
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 683
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 684
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, ~~3313.6027, 3313.6028~~, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:

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

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

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NOTES HB 322 as introduced 5/25/21

New section on p. 9 RC 3313.6027

No state agency, school district, or school administration shall require the following types of teachers to discuss widely debated or controversial current events or issues of public policy or social affairs: history, civics, U.S. government, politics, social studies or similar subject areas.

Teachers who choose to do so shall do their best - "strive" - to explore such issues from diverse and contending perspectives.

Teachers shall not require or make part of a course on history, civics, U.S. government and politics, social studies or similar subject area any of the following:

1. Student work / affiliation / service learning in association with any organization engaged in lobbying (local, state, or federal).
2. Lobbying for legislation (local, state, or federal)

No state agency or school district shall accept private funding for curricula development or materials or teacher training pertaining to courses on history, civics, U.S. government and politics, social studies, or similar subject areas

New section on p. 10 RC 3313.6028

No state agency, school district or school administration shall teach / instruct / train any administrator, teacher, staff member, or employee to adopt or believe any of the following concepts:

1. One race or sex is inherently superior
2. An individual (based on his or her own race) is inherently racist, sexist, or oppressive
3. An individual should be discriminated against based on his/her race.
4. "Members of one race cannot or should not attempt to treat others without respect to race." ***I have no idea what this means.***
5. An individual's moral standing or worth is determined by his/her own race.
6. An individual bears responsibility for actions committed in the past by other members of his/her own race or sex.
7. An individual should feel any form of psychological distress on account of his / her own race.
8. Meritocracy or traits of a hard work ethic are racist or sexist or were created by member of a particular race or sex to oppress others of a different race or sex.
9. Fault, blame, or bias should be assigned to a race or sex
10. The advent of slavery in the territory that is now the United States constituted the true founding of the United States. (This conceptually refers to the 1619 Project)
11. With respect to American values, slavery or racism are anything other than betrayals to authentic founding principles which include liberty and equality

No teacher shall approve for use or make use of any materials or practices that serve to inculcate the concepts in #1-11 above.
If a student completes a course that includes any of the concepts in #1-11 it shall not count toward graduation.

Existing section 3301.079(B)(1) is amended on p. 5 to prohibit the ODE from developing any state model curricula that incorporates the concepts in #1-11 above.

New section on p. 12
RC 3313.6029

No teacher shall be required as a matter of policy to affirm a belief in the systemic nature of racism, or similar idea OR in the multiplicity or fluidity of gender identities or similar ideas against a teacher's sincerely held religious beliefs or philosophical convictions.

RC 3314.03 is amended to state that public charter schools shall comply with two of the three new sections.

RC 3326.11 is amended to state that public STEM schools shall comply with two of the three new sections.

Feedback:

1. It says agencies, districts, and administrations can't require...this doesn't restrict an individual teacher's speech.
2. Teachers can't force students to be affiliated with or be engaged with lobbying orgs. There are plenty of nonprofit groups or individual activists who can come in and teach CRT that are not engaged in lobbying.
3. Private funding can't be accepted to pay for teacher training or curricula for civics / social studies types of courses. This doesn't prevent the acceptance of federal grants. The U.S. Department of Education is currently prioritizing two grant programs under Title II, part B, subpart 3 of ESEA to incorporate teaching and learning practices that take into account "systemic marginalization, inequities, and discriminatory policy and practices in American history" and helping students to "understand their own biases."
4. The section that lists CRT concepts states that agencies, districts, and administrations can't include them in teacher training or professional development. This doesn't prevent teachers from discussing CRT concepts.
5. Teachers can't approve CRT materials but that doesn't keep them from discussing the concepts.
6. Courses that include CRT concepts can't be counted toward graduation. This would only apply to high schools, not grades 1-8.
7. It is unclear why chartered nonpublic schools were not included in these state policy changes.
8. This bill may create a few hurdles for Critical Race Theory or similar philosophies but it probably won't prevent teacher activism.
9. On the positive side this bill would serve to protect teachers from being forced to participate.

From: Rep99

Sent: Wednesday, May 19, 2021 10:38 AM

To: Fowler Arthur, Sarah

Subject: FW: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

From: jstover1@aol.com <jstover1@aol.com>

Sent: Wednesday, May 19, 2021 8:42 AM

To: Rep01 <Rep01@ohiohouse.gov>; Rep02 <Rep02@ohiohouse.gov>; Rep03 <Rep03@ohiohouse.gov>; Rep04 <Rep04@ohiohouse.gov>; Rep05 <Rep05@ohiohouse.gov>; Rep07 <Rep07@ohiohouse.gov>; Rep23 <Rep23@ohiohouse.gov>; Rep27 <Rep27@ohiohouse.gov>; Rep29 <Rep29@ohiohouse.gov>; Rep30 <Rep30@ohiohouse.gov>; Rep36 <Rep36@ohiohouse.gov>; Rep38 <Rep38@ohiohouse.gov>; Rep40 <Rep40@ohiohouse.gov>; Rep41 <Rep41@ohiohouse.gov>; Rep42 <Rep42@ohiohouse.gov>; Rep43 <Rep43@ohiohouse.gov>; Rep47 <Rep47@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep50 <Rep50@ohiohouse.gov>; Rep51 <Rep51@ohiohouse.gov>; Rep52 <Rep52@ohiohouse.gov>; Rep53 <Rep53@ohiohouse.gov>; Rep54 <Rep54@ohiohouse.gov>; Rep55 <Rep55@ohiohouse.gov>; Rep57 <Rep57@ohiohouse.gov>; Rep59 <Rep59@ohiohouse.gov>; Rep61 <Rep61@ohiohouse.gov>; Rep62 <Rep62@ohiohouse.gov>; Rep63 <Rep63@ohiohouse.gov>; Rep65 <Rep65@ohiohouse.gov>; Rep66 <Rep66@ohiohouse.gov>; Rep67 <Rep67@ohiohouse.gov>; Rep68 <Rep68@ohiohouse.gov>; Rep69 <Rep69@ohiohouse.gov>; Rep70 <Rep70@ohiohouse.gov>; Rep71 <Rep71@ohiohouse.gov>; Rep72 <Rep72@ohiohouse.gov>; Rep73 <Rep73@ohiohouse.gov>; Rep74 <Rep74@ohiohouse.gov>; Rep75 <Rep75@ohiohouse.gov>; Rep76 <Rep76@ohiohouse.gov>; Rep77 <Rep77@ohiohouse.gov>; Rep78 <Rep78@ohiohouse.gov>; Rep79 <Rep79@ohiohouse.gov>; Rep80 <Rep80@ohiohouse.gov>; Rep81 <Rep81@ohiohouse.gov>; Rep82 <Rep82@ohiohouse.gov>; Rep83 <Rep83@ohiohouse.gov>; Rep84 <Rep84@ohiohouse.gov>; Rep85 <Rep85@ohiohouse.gov>; Rep86 <Rep86@ohiohouse.gov>; Rep87 <Rep87@ohiohouse.gov>; Rep88 <Rep88@ohiohouse.gov>; Rep89 <Rep89@ohiohouse.gov>; Rep90 <Rep90@ohiohouse.gov>; Rep91 <Rep91@ohiohouse.gov>; Rep92 <Rep92@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>; Rep94 <Rep94@ohiohouse.gov>; Rep95 <Rep95@ohiohouse.gov>; Rep96 <Rep96@ohiohouse.gov>; Rep97 <Rep97@ohiohouse.gov>; Rep98 <Rep98@ohiohouse.gov>; Rep99 <Rep99@ohiohouse.gov>

Subject: Fwd: State Board of Education Member Doesn't Want to Talk About Critical Race Theory

Republican House Members:


Many of you may not have received the below e-mail which went out yesterday regarding the State Board and the subject of Critical Race Theory (CRT). It is important that the state of Ohio passes legislation to prohibit the teaching of this indoctrination to students.

John Stover, President
Ohio Value Voters

Ohio Value Voters

Since 2007: Protecting Faith, Family, Freedom,
and the Sanctity of Life

The State Board of Education Promotes Critical Race
Theory But Won't Allow Public Comment


A resolution declaring Ohio and its education system as systemically racist against blacks, indigenous people and people of color and in need of internal examination, correction for achievement gaps, disparate discipline, white privilege, white supremacy, cultural insensitivity, hate speech and implicit bias was approved by the Ohio State Board of Education in a 12 to 5 vote at 11:00 pm on Tuesday, July 14, 2020.

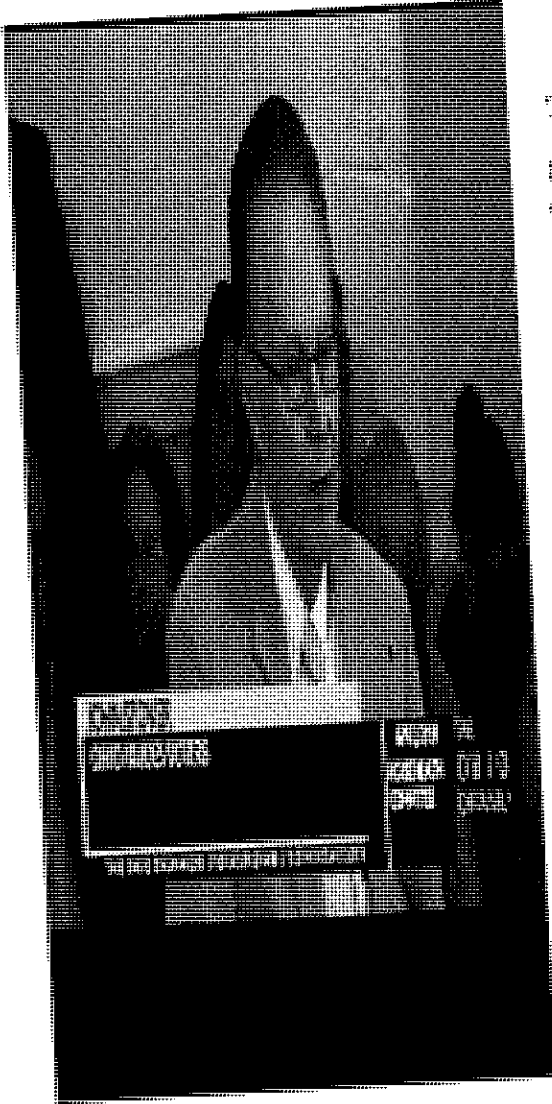
The state's academic standards, curriculum, resources and tests are to be reviewed to eliminate cultural insensitivity, racial bias, white privilege and white supremacy. The state education department is instructed to provide support to local school districts to do the same. State employees and contractors to schools are required to attend implicit bias training. Training for board members, state and local, is to take place to address the ills.

Given the magnitude of what the Ohio Department of Education and the State Board of Education have imposed upon the school districts of Ohio it boggles the mind to understand how these same members can shut down all

discussion with the public about this matter. Meryl Johnson is often sighted as the most knowledgeable subject matter expert on racism of the State School Board members in Ohio. Now she is passionate that this subject should NOT be discussed at the State Board of Education but wants it discussed in every school in Ohio.

WATCH





Thank you for your prayers and support.

Sincerely,
John Stover, President

Share our emails and follow us on Facebook



Visit Our Website

Ohio Value Voters, Inc. | P.O. Box 29502, Cleveland, OH 44129

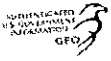
[Unsubscribe jstover1@aol.com](mailto:jstover1@aol.com)

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Presidential Documents

Federal Register

Vol. 85, No. 188

Monday, September 28, 2020

Executive Order 13950 of September 22, 2020

Title 3—

The President

Combating Race and Sex Stereotyping

By the authority vested in me as President by the Constitution and the laws of the United States of America, including the Federal Property and Administrative Services Act, 40 U.S.C. 101 *et seq.*, and in order to promote economy and efficiency in Federal contracting, to promote unity in the Federal workforce, and to combat offensive and anti-American race and sex stereotyping and scapegoating, it is hereby ordered as follows:

Section 1. Purpose. From the battlefield of Gettysburg to the bus boycott in Montgomery and the Selma-to-Montgomery marches, heroic Americans have valiantly risked their lives to ensure that their children would grow up in a Nation living out its creed, expressed in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal." It was this belief in the inherent equality of every individual that inspired the Founding generation to risk their lives, their fortunes, and their sacred honor to establish a new Nation, unique among the countries of the world. President Abraham Lincoln understood that this belief is "the electric cord" that "links the hearts of patriotic and liberty-loving" people, no matter their race or country of origin. It is the belief that inspired the heroic black soldiers of the 54th Massachusetts Infantry Regiment to defend that same Union at great cost in the Civil War. And it is what inspired Dr. Martin Luther King, Jr., to dream that his children would one day "not be judged by the color of their skin but by the content of their character."

Thanks to the courage and sacrifice of our forebears, America has made significant progress toward realization of our national creed, particularly in the 57 years since Dr. King shared his dream with the country.

Today, however, many people are pushing a different vision of America that is grounded in hierarchies based on collective social and political identities rather than in the inherent and equal dignity of every person as an individual. This ideology is rooted in the pernicious and false belief that America is an irredeemably racist and sexist country; that some people, simply on account of their race or sex, are oppressors; and that racial and sexual identities are more important than our common status as human beings and Americans.

This destructive ideology is grounded in misrepresentations of our country's history and its role in the world. Although presented as new and revolutionary, they resurrect the discredited notions of the nineteenth century apologists for slavery who, like President Lincoln's rival Stephen A. Douglas, maintained that our government "was made on the white basis" "by white men, for the benefit of white men." Our Founding documents rejected these racialized views of America, which were soundly defeated on the blood-stained battlefields of the Civil War. Yet they are now being repackaged and sold as cutting-edge insights. They are designed to divide us and prevent us from uniting as one people in pursuit of one common destiny for our great country.

Unfortunately, this malign ideology is now migrating from the fringes of American society and threatens to infect core institutions of our country. Instructors and materials teaching that men and members of certain races as well as our most venerable institutions, are inherently sexist and racist are appearing in workplace diversity trainings across the country, ever

components of the Federal Government and among Federal contractors. For example, the Department of the Treasury recently held a seminar that promoted arguments that "virtually all White people, regardless of how 'woke' they are, contribute to racism," and that instructed small group leaders to encourage employees to avoid "narratives" that Americans should "be more color-blind" or "let people's skills and personalities be what differentiates them."

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All of this is contrary to the fundamental premises underpinning our Republic: that all individuals are created equal and should be allowed an equal opportunity under the law to pursue happiness and prosper based on individual merit.

Executive departments and agencies (agencies), our Uniformed Services, Federal contractors, and Federal grant recipients should, of course, continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial. The Federal Government is, and must always be, committed to the fair and equal treatment of all individuals before the law.

But training like that discussed above perpetuates racial stereotypes and division and can use subtle coercive pressure to ensure conformity of viewpoint. Such ideas may be fashionable in the academy, but they have no place in programs and activities supported by Federal taxpayer dollars. Research also suggests that blame-focused diversity training reinforces biases and decreases opportunities for minorities.

Our Federal civil service system is based on merit principles. These principles, codified at 5 U.S.C. 2301, call for all employees to "receive fair and equitable treatment in all aspects of personnel management without regard to" race or sex "and with proper regard for their . . . constitutional rights." Instructing Federal employees that treating individuals on the basis of individual merit is racist or sexist directly undermines our Merit System Principles and impairs the efficiency of the Federal service. Similarly, our Uniformed Services should not teach our heroic men and women in uniform the lie that the country for which they are willing to die is fundamentally racist. Such teachings could directly threaten the cohesion and effectiveness of our Uniformed Services.

Such activities also promote division and inefficiency when carried out by Federal contractors. The Federal Government has long prohibited Federal contractors from engaging in race or sex discrimination and required contractors to take affirmative action to ensure that such discrimination does not occur. The participation of contractors' employees in training that promotes race or sex stereotyping or scapegoating similarly undermines efficiency in Federal contracting. Such requirements promote divisiveness in the workplace and distract from the pursuit of excellence and collaborative achievements in public administration.

Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.

Sec. 2. Definitions. For the purposes of this order, the phrase:

(a) "Divisive concepts" means the concepts that (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual's moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "divisive concepts" also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

(b) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(c) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

(d) "Senior political appointee" means an individual appointed by the President, or a non-career member of the Senior Executive Service (or agency-equivalent system).

Sec. 3. Requirements for the United States Uniformed Services. The United States Uniformed Services, including the United States Armed Forces, shall not teach, instruct, or train any member of the United States Uniformed Services, whether serving on active duty, serving on reserve duty, attending a military service academy, or attending courses conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the divisive concepts set forth in section 2(a) of this order. No member of the United States Uniformed Services shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to these concepts.

Sec. 4. Requirements for Government Contractors. (a) Except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as amended, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

1. The contractor shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt

to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex, and the term "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

2. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.

4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(b) The Department of Labor is directed, through the Office of Federal Contract Compliance Programs (OFCCP), to establish a hotline and investigate complaints received under both this order as well as Executive Order 11246 alleging that a Federal contractor is utilizing such training programs in violation of the contractor's obligations under those orders. The Department shall take appropriate enforcement action and provide remedial relief, as appropriate.

(c) Within 30 days of the date of this order, the Director of OFCCP shall publish in the *Federal Register* a request for information seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshops, or similar programming provided to employees. The request for information should request copies of any training, workshop, or similar programming having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.

Sec. 5. Requirements for Federal Grants. The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts that

(a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. Within 60 days of the date of this order, the heads of agencies shall each submit a report to the Director of the Office of Management and Budget (OMB) that lists all grant programs so identified.

Sec. 6. Requirements for Agencies. (a) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the Federal workplace. Agencies should continue all training that will foster a workplace that is respectful of all employees. Accordingly:

(i) The head of each agency shall use his or her authority under 5 U.S.C. 301, 302, and 4103 to ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training, workshops, forums, or similar programming (for purposes of this section, "training") to agency employees do not teach, advocate, act upon, or promote in any training to agency employees any of the divisive concepts listed in section 2(a) of this order. Agencies may consult with the Office of Personnel Management (OPM), pursuant to 5 U.S.C. 4116, in carrying out this provision; and

(ii) Agency diversity and inclusion efforts shall, first and foremost, encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law.

(b) The Director of OPM shall propose regulations providing that agency officials with supervisory authority over a supervisor or an employee with responsibility for promoting diversity and inclusion, if such supervisor or employee either authorizes or approves training that promotes the divisive concepts set forth in section 2(a) of this order, shall take appropriate steps to pursue a performance-based adverse action proceeding against such supervisor or employee under chapter 43 or 75 of title 5, United States Code.

(c) Each agency head shall:

(i) issue an order incorporating the requirements of this order into agency operations, including by making compliance with this order a provision in all agency contracts for diversity training;

(ii) request that the agency inspector general thoroughly review and assess by the end of the calendar year, and not less than annually thereafter, agency compliance with the requirements of this order in the form of a report submitted to OMB; and

(iii) assign at least one senior political appointee responsibility for ensuring compliance with the requirements of this order.

Sec. 7. OMB and OPM Review of Agency Training. (a) Consistent with OPM's authority under 5 U.S.C. 4115-4118, all training programs for agency employees relating to diversity or inclusion shall, before being used, be reviewed by OPM for compliance with the requirements of section 6 of this order.

(b) If a contractor provides a training for agency employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts set forth in section 2(a) of this order, and such action is in violation of the applicable contract, the agency that contracted for such training shall evaluate whether to pursue debarment of that contractor, consistent with

applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.

(c) Within 90 days of the date of this order, each agency shall report to OMB all spending in Fiscal Year 2020 on Federal employee training programs relating to diversity or inclusion, whether conducted internally or by contractors. Such report shall, in addition to providing aggregate totals, delineate awards to each individual contractor.

(d) The Directors of OMB and OPM may jointly issue guidance and directives pertaining to agency obligations under, and ensuring compliance with, this order.

Sec. 8. Title VII Guidance. The Attorney General should continue to assess the extent to which workplace training that teaches the divisive concepts set forth in section 2(a) of this order may contribute to a hostile work environment and give rise to potential liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* If appropriate, the Attorney General and the Equal Employment Opportunity Commission shall issue publicly available guidance to assist employers in better promoting diversity and inclusive workplaces consistent with Title VII.

Sec. 9. Effective Date. This order is effective immediately, except that the requirements of section 4 of this order shall apply to contracts entered into 60 days after the date of this order.

Sec. 10. General Provisions. (a) This order does not prevent agencies, the United States Uniformed Services, or contractors from promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this order.

(b) Nothing in this order shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in section 2(a) of this order in an objective manner and without endorsement.

(c) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

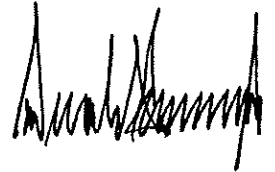
(d) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or

- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be a stylized name, located in the upper right quadrant of the page.

THE WHITE HOUSE,
September 22, 2020.

[FR Doc. 2020-21534
Filed 9-25-20; 8:45 am]
Billing code 3295-F0-P

From: lzjoshua@aol.com
Sent: Thursday, May 20, 2021 1:00 PM
To: Fowler Arthur, Sarah
Subject: Executive Order 9.22.2020
Attachments: EO 13950 9.22.21 Trump. CRT.pdf

Follow Up Flag: Flag for follow up
Flag Status: Flagged

See pages 3 and 4

Presidential Documents

Federal Register

Vol. 85, No. 188

Monday, September 28, 2020

Title 3—

The President

Executive Order 13950 of September 22, 2020

Combating Race and Sex Stereotyping

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This destructive ideology is grounded in misrepresentations of our country's history and its role in the world. Although presented as new and revolutionary, they resurrect the discredited notions of the nineteenth century's apologists for slavery who, like President Lincoln's rival Stephen A. Douglas, maintained that our government "was made on the white basis" "by white men, for the benefit of white men." Our Founding documents rejected these racialized views of America, which were soundly defeated on the blood-stained battlefields of the Civil War. Yet they are now being repackaged and sold as cutting-edge insights. They are designed to divide us and to prevent us from uniting as one people in pursuit of one common destiny for our great country.

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components of the Federal Government and among Federal contractors. For example, the Department of the Treasury recently held a seminar that promoted arguments that "virtually all White people, regardless of how 'woke' they are, contribute to racism," and that instructed small group leaders to encourage employees to avoid "narratives" that Americans should "be more color-blind" or "let people's skills and personalities be what differentiates them."

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Executive departments and agencies (agencies), our Uniformed Services, Federal contractors, and Federal grant recipients should, of course, continue to foster environments devoid of hostility grounded in race, sex, and other federally protected characteristics. Training employees to create an inclusive workplace is appropriate and beneficial. The Federal Government is, and must always be, committed to the fair and equal treatment of all individuals before the law.

But training like that discussed above perpetuates racial stereotypes and division and can use subtle coercive pressure to ensure conformity of viewpoint. Such ideas may be fashionable in the academy, but they have no place in programs and activities supported by Federal taxpayer dollars. Research also suggests that blame-focused diversity training reinforces biases and decreases opportunities for minorities.

Our Federal civil service system is based on merit principles. These principles, codified at 5 U.S.C. 2301, call for all employees to "receive fair and equitable treatment in all aspects of personnel management without regard to" race or sex "and with proper regard for their . . . constitutional rights." Instructing Federal employees that treating individuals on the basis of individual merit is racist or sexist directly undermines our Merit System Principles and impairs the efficiency of the Federal service. Similarly, our Uniformed Services should not teach our heroic men and women in uniform the lie that the country for which they are willing to die is fundamentally racist. Such teachings could directly threaten the cohesion and effectiveness of our Uniformed Services.

Such activities also promote division and inefficiency when carried out by Federal contractors. The Federal Government has long prohibited Federal contractors from engaging in race or sex discrimination and required contractors to take affirmative action to ensure that such discrimination does not occur. The participation of contractors' employees in training that promotes race or sex stereotyping or scapegoating similarly undermines efficiency in Federal contracting. Such requirements promote divisiveness in the workplace and distract from the pursuit of excellence and collaborative achievements in public administration.

Therefore, it shall be the policy of the United States not to promote race or sex stereotyping or scapegoating in the Federal workforce or in the Uniformed Services, and not to allow grant funds to be used for these purposes. In addition, Federal contractors will not be permitted to inculcate such views in their employees.

Sec. 2. Definitions. For the purposes of this order, the phrase:

(a) "Divisive concepts" means the concepts that (1) one race or sex is inherently superior to another race or sex; (2) the United States is fundamentally racist or sexist; (3) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (4) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (5) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (6) an individual's moral character is necessarily determined by his or her race or sex; (7) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (8) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (9) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "divisive concepts" also includes any other form of race or sex stereotyping or any other form of race or sex scapegoating.

(b) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex.

(c) "Race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race or sex, members of any race are inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others.

(d) "Senior political appointee" means an individual appointed by the President, or a non-career member of the Senior Executive Service (or agency-equivalent system).

Sec. 3. Requirements for the United States Uniformed Services. The United States Uniformed Services, including the United States Armed Forces, shall not teach, instruct, or train any member of the United States Uniformed Services, whether serving on active duty, serving on reserve duty, attending a military service academy, or attending courses conducted by a military department pursuant to a Reserve Officer Corps Training program, to believe any of the divisive concepts set forth in section 2(a) of this order. No member of the United States Uniformed Services shall face any penalty or discrimination on account of his or her refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to these concepts.

Sec. 4. Requirements for Government Contractors. (a) Except in contracts exempted in the manner provided by section 204 of Executive Order 11246 of September 24, 1965 (Equal Employment Opportunity), as amended, all Government contracting agencies shall include in every Government contract hereafter entered into the following provisions:

"During the performance of this contract, the contractor agrees as follows:

1. The contractor shall not use any workplace training that inculcates in its employees any form of race or sex stereotyping or any form of race or sex scapegoating, including the concepts that (a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not atten

to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. The term "race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race or sex, or to an individual because of his or her race or sex, and the term "race or sex scapegoating" means assigning fault, blame, or bias to a race or sex, or to members of a race or sex because of their race or sex.

2. The contractor will send to each labor union or representative of workers with which he has a collective bargaining agreement or other contract or understanding, a notice, to be provided by the agency contracting officer, advising the labor union or workers' representative of the contractor's commitments under the Executive Order of September 22, 2020, entitled Combating Race and Sex Stereotyping, and shall post copies of the notice in conspicuous places available to employees and applicants for employment.

3. In the event of the contractor's noncompliance with the requirements of paragraphs (1), (2), and (4), or with any rules, regulations, or orders that may be promulgated in accordance with the Executive Order of September 22, 2020, this contract may be canceled, terminated, or suspended in whole or in part and the contractor may be declared ineligible for further Government contracts in accordance with procedures authorized in Executive Order 11246, and such other sanctions may be imposed and remedies invoked as provided by any rules, regulations, or orders the Secretary of Labor has issued or adopted pursuant to Executive Order 11246, including subpart D of that order.

4. The contractor will include the provisions of paragraphs (1) through (4) in every subcontract or purchase order unless exempted by rules, regulations, or orders of the Secretary of Labor, so that such provisions will be binding upon each subcontractor or vendor. The contractor will take such action with respect to any subcontract or purchase order as may be directed by the Secretary of Labor as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that in the event the contractor becomes involved in, or is threatened with, litigation with a subcontractor or vendor as a result of such direction, the contractor may request the United States to enter into such litigation to protect the interests of the United States."

(b) The Department of Labor is directed, through the Office of Federal Contract Compliance Programs (OFCCP), to establish a hotline and investigate complaints received under both this order as well as Executive Order 11246 alleging that a Federal contractor is utilizing such training programs in violation of the contractor's obligations under those orders. The Department shall take appropriate enforcement action and provide remedial relief, appropriate.

(c) Within 30 days of the date of this order, the Director of OFCCP shall publish in the *Federal Register* a request for information seeking information from Federal contractors, Federal subcontractors, and employees of Federal contractors and subcontractors regarding the training, workshop, or similar programming provided to employees. The request for information should request copies of any training, workshop, or similar program having to do with diversity and inclusion as well as information about the duration, frequency, and expense of such activities.

Sec. 5. *Requirements for Federal Grants.* The heads of all agencies shall review their respective grant programs and identify programs for which the agency may, as a condition of receiving such a grant, require the recipient to certify that it will not use Federal funds to promote the concepts

(a) one race or sex is inherently superior to another race or sex; (b) an individual, by virtue of his or her race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (c) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race or sex; (d) members of one race or sex cannot and should not attempt to treat others without respect to race or sex; (e) an individual's moral character is necessarily determined by his or her race or sex; (f) an individual, by virtue of his or her race or sex, bears responsibility for actions committed in the past by other members of the same race or sex; (g) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex; or (h) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race. Within 60 days of the date of this order, the heads of agencies shall each submit a report to the Director of the Office of Management and Budget (OMB) that lists all grant programs so identified.

Sec. 6. Requirements for Agencies. (a) The fair and equal treatment of individuals is an inviolable principle that must be maintained in the Federal workplace. Agencies should continue all training that will foster a workplace that is respectful of all employees. Accordingly:

(i) The head of each agency shall use his or her authority under 5 U.S.C. 301, 302, and 4103 to ensure that the agency, agency employees while on duty status, and any contractors hired by the agency to provide training, workshops, forums, or similar programming (for purposes of this section, "training") to agency employees do not teach, advocate, act upon, or promote in any training to agency employees any of the divisive concepts listed in section 2(a) of this order. Agencies may consult with the Office of Personnel Management (OPM), pursuant to 5 U.S.C. 4116, in carrying out this provision; and

(ii) Agency diversity and inclusion efforts shall, first and foremost, encourage agency employees not to judge each other by their color, race, ethnicity, sex, or any other characteristic protected by Federal law.

(b) The Director of OPM shall propose regulations providing that agency officials with supervisory authority over a supervisor or an employee with responsibility for promoting diversity and inclusion, if such supervisor or employee either authorizes or approves training that promotes the divisive concepts set forth in section 2(a) of this order, shall take appropriate steps to pursue a performance-based adverse action proceeding against such supervisor or employee under chapter 43 or 75 of title 5, United States Code.

(c) Each agency head shall:

(i) issue an order incorporating the requirements of this order into agency operations, including by making compliance with this order a provision in all agency contracts for diversity training;

(ii) request that the agency inspector general thoroughly review and assess by the end of the calendar year, and not less than annually thereafter, agency compliance with the requirements of this order in the form of a report submitted to OMB; and

(iii) assign at least one senior political appointee responsibility for ensuring compliance with the requirements of this order.

Sec. 7. OMB and OPM Review of Agency Training. (a) Consistent with OPM's authority under 5 U.S.C. 4115-4118, all training programs for agency employees relating to diversity or inclusion shall, before being used, be reviewed by OPM for compliance with the requirements of section 6 of this order.

(b) If a contractor provides a training for agency employees relating to diversity or inclusion that teaches, advocates, or promotes the divisive concepts set forth in section 2(a) of this order, and such action is in violation of the applicable contract, the agency that contracted for such training shall evaluate whether to pursue debarment of that contractor, consistent with

applicable law and regulations, and in consultation with the Interagency Suspension and Debarment Committee.

(c) Within 90 days of the date of this order, each agency shall report to OMB all spending in Fiscal Year 2020 on Federal employee training programs relating to diversity or inclusion, whether conducted internally or by contractors. Such report shall, in addition to providing aggregate totals, delineate awards to each individual contractor.

(d) The Directors of OMB and OPM may jointly issue guidance and directives pertaining to agency obligations under, and ensuring compliance with, this order.

Sec. 8. Title VII Guidance. The Attorney General should continue to assess the extent to which workplace training that teaches the divisive concepts set forth in section 2(a) of this order may contribute to a hostile work environment and give rise to potential liability under Title VII of the Civil Rights Act of 1964, 42 U.S.C. 2000e *et seq.* If appropriate, the Attorney General and the Equal Employment Opportunity Commission shall issue publicly available guidance to assist employers in better promoting diversity and inclusive workplaces consistent with Title VII.

Sec. 9. Effective Date. This order is effective immediately, except that the requirements of section 4 of this order shall apply to contracts entered into 60 days after the date of this order.

Sec. 10. General Provisions. (a) This order does not prevent agencies, the United States Uniformed Services, or contractors from promoting racial, cultural, or ethnic diversity or inclusiveness, provided such efforts are consistent with the requirements of this order.

(b) Nothing in this order shall be construed to prohibit discussing, as part of a larger course of academic instruction, the divisive concepts listed in section 2(a) of this order in an objective manner and without endorsement.

(c) If any provision of this order, or the application of any provision to any person or circumstance, is held to be invalid, the remainder of this order and the application of its provisions to any other persons or circumstances shall not be affected thereby.

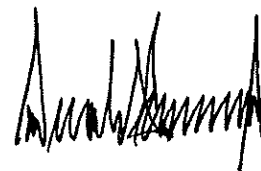
(d) Nothing in this order shall be construed to impair or otherwise affect:

- (i) the authority granted by law to an executive department, agency, or the head thereof; or

- (ii) the functions of the Director of the Office of Management and Budget relating to budgetary, administrative, or legislative proposals.

(e) This order shall be implemented consistent with applicable law and subject to the availability of appropriations.

(f) This order is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

A handwritten signature in black ink, appearing to be the name of Donald Trump, written in a cursive style.

THE WHITE HOUSE,
September 22, 2020.

[FR Doc. 2020-21534
Filed 9-25-20; 8:45 am]
Billing code 3295-F0-P

From: Kevin West
Sent: Thursday, May 20, 2021 2:07 PM
To: Fowler Arthur, Sarah
Subject: FW: HB1775 Information
Attachments: TPS Social Justice Framework in All Subjects.docx; TPS Agenda.jpg; Edmond.jpg; Jenks Pre-K.jpg; Norman North 2.jpg; Norman North 1.jpg

Follow Up Flag: Flag for follow up
Flag Status: Flagged

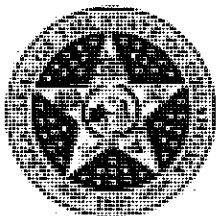
Representative,

It was a pleasure talking to you today. Below and attached is what I have sent to our Secretary of Education to let him know some of what to be looking for in classrooms and board meetings.

I hope this is helpful information and look forward to working with you in the years to come.

Representative Kevin West

Oklahoma State Representative District 54
Chair: General Government
Email: kevin.west@okhouse.gov
Office: (405) 557-7343
Capitol Building Rm. 332.1
2300 N. Lincoln Blvd.
Oklahoma City, OK 73105



The information below is what I have shared with the Secretary of State's office after passage of the bill, Senator Bullard and myself have 3 binders full of printed material and we have each had multiple contacts after passage of the bill telling us about assignments on the "N" word and asking the students if they know people who use it and expressing many other concerns. I would be happy to meet with you anytime and I am sure Senator Bullard would as well.

The attached "TPS Social Justice Framework" document outlines how to incorporate social justice into all subjects.

The "TPS Agenda" attached screen shot of the TPS school board meeting references entering into an agreement with "UnboundED", through the link below you can access information about the toolkit contents of this program.

https://www.unbounded.org/?fbclid=IwAR2awoMGaoWL27MbA2Sf3_OY_BbslvYANWf17vel1LzmYlj565lofixKqHk

The attached "Edmond" photo is an assignment for English 3 that Edmond Memorial HS had recently.

The attached "Jenks Pre-K" letter is about a "Culturally Responsive Teaching Canvas module." Which appears to be a teacher training program, not specifically a curricula.

The attached "Norman North" screenshots are from the Norman North Library Facebook page which is full of examples like these photos.

The link below is from a Tulsa Public School board meeting in June of 2020, this is some very disturbing info. Apparently they have applied for and received a million dollar grant from the federal government to implement CT3 which contains many of the concepts HB1775 seeks to address. The following is the email shared with me:

A Tulsa mom sent this to a friend of mine who in turn sent it to me. Interesting at about the 23 min. mark in the video link below. The attachment has slides that promote CRT/social justice in all subjects.

Last night a Tulsa parent sent me the attached slides from a SEP-2020 Tulsa public school board meeting. The topic of the slides is "Ideas for a Social Justice Framework in In All Subjects." These slides are in the attached Word document.

HER COMMENTS

"Here's the slides they did in September. They spent Federal Title 1 funding towards it. Over \$1M last year. Every Wednesday when our kids are at home they are doing professional development of teachers doing this. These are from the open records I did. That's how it has their logo."

"Watch starting (video) at 15 min mark. The deputy superintendent basically says our teachers want to be social justice warriors. This is what I witness going to these meetings. Gist bullies anyone that doesn't agree with her way of thinking. Thank you for actually asking me. I keep hoping others see."

"What most don't know is how hard some of have fought to against it because it is here in Tulsa with the arrival of Dr Gist in 2015. She started with elementary so some of us would never know. I went to a mtg where she wants the race massacre taught every year of school including kindergarten."

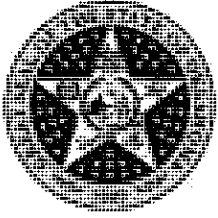
Tulsa school board meeting 6/18/2020

Tulsa parent said to start at minute 15. I found that the most interesting discussion starting with board member Paula Shannon at **minute 23**. She says that they have spent the past four years working to improve the instructional board from an equity perspective. They have worked with Leading Educators an TNTP to build out content cycles and the core curriculum to make the units easy for teachers to teach. She says that they are working on social justice and disrupting inequities in schools. **In minute 28, she references conversations "talking about racial oppression in our system, talking about what it means to be anti-racist, talking about what white privilege does in our system, talking about steps we must urgently take."** She also notes that CT3 is funded via title 1 budgets. **Video at:**
[Boardmeeting6.18.2020.mp4 \(viebit.com\)](#)

Representative Kevin West

Oklahoma State Representative District 54
Chair: General Government
Email: kevin.west@okhouse.gov

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Capitol Building Rm. 332.1
2300 N. Lincoln Blvd.
Oklahoma City, OK 73105

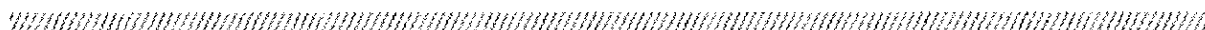


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From: Gongwer News Service
Sent: Friday, May 28, 2021 6:12 PM
To: Fowler Arthur, Sarah
Subject: Ohio Report, Friday, May 28, 2021



OHIO REPORT FRIDAY, MAY 28



Unemployment Fund, Infrastructure Eyed For Federal Relief Dollars

Budget Changes Expected Next Week In Senate

Medicaid Program Weighs Federal Boost To Home, Community Services

Democrats Seek More Transparency In Redistricting Process

Police Advisory Group Sets Officer Wellness Standard

Huffman Expounds On Wind, Solar Bill; Group Launches Clean Energy Ad Campaign

FirstEnergy Fires Sixth Executive In Wake Of HB6 Scandal

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OU Picks Next Leader; Bill Targets Critical Race Theory...

Drunken Gun Handling Case Goes To U.S. High Court; Lebanon Abortion Ban Litigation Likely...

Agency Briefs: Broadband Program Expands Telehealth Access; DOC; ODA; OSHP; ODNR; Treasurer

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Legislative Committee Schedules

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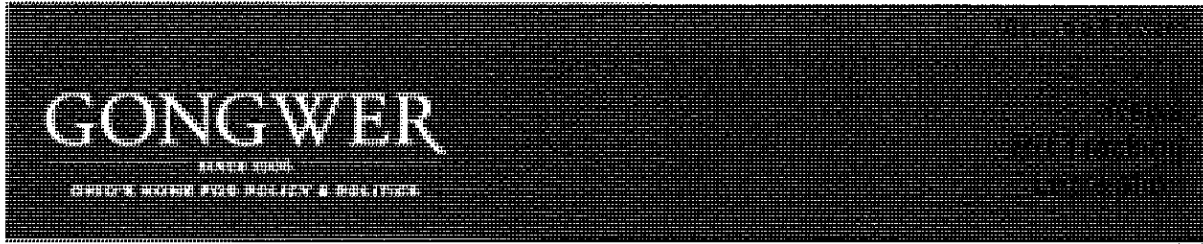
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From: Ferguson, Ron
Sent: Friday, May 28, 2021 8:22 PM
To: kamkelms@earthlink.net
CC: Fowler Arthur, Sarah
Subject: CRT

Fiona,

I cc'd Sarah Fowler-Arthur who is joint sponsoring the best CRT bill. Please ask her questions.

I was hoping Sarah would have the time to be possibly be available via Zoom and also connect you with Charlotte McGuire.

Thank you!

Ron

Sent from my iPhone