

**From:** jstover1@aol.com  
**Sent:** Monday, May 17, 2021 11:29 AM  
**To:** Rep76; mike@b-simple.com  
**CC:** ameden@ohiosenate.gov; brenner@ohiosenate.gov; Brian Hill (DST); Marcus Benjamin; kathyphilpjohnson@yahoo.com  
**Subject:** Re: CRT Proposal

Hello Brandon,

Due to being out of the state, I will attend the meeting by way of the conference call.

Thank you.

John Stover

-----Original Message-----

From: Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
To: 'mike@b-simple.com' <mike@b-simple.com>  
Cc: ameden@ohiosenate.gov <ameden@ohiosenate.gov>; brenner@ohiosenate.gov <brenner@ohiosenate.gov>; SD20@ohiosenate.gov <SD20@ohiosenate.gov>; Marcus.Benjamin@ohiosenate.gov <Marcus.Benjamin@ohiosenate.gov>; 'jstover1' <jstover1@aol.com>; 'kathyphilpjohnson@yahoo.com' <kathyphilpjohnson@yahoo.com>  
Sent: Mon, May 17, 2021 11:03 am  
Subject: RE: CRT Proposal

Good morning,

Representative Diane will be hosting a meeting to discuss her legislation regarding CRT and divisive concepts.

The meeting will be held on Wednesday, May 19<sup>th</sup> at 10:00am in the 13<sup>th</sup> floor conference east conference room of the Vern Riffe Center.

Alternatively, those who wish to call into a conference line may do so with the following information:

1. Dial 1-877-820-7831.
2. Participants will dial the toll-free number and enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode:** XXXXXXXXXX

Please confirm if you will be able to attend the in-person meeting.

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** mike@b-simple.com <mike@b-simple.com>

**Sent:** Friday, May 14, 2021 1:42 PM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Cc:** ameden@ohiosenate.gov; brenner@ohiosenate.gov; Brian Hill (DST) <SD20@ohiosenate.gov>; Marcus Benjamin <Marcus.Benjamin@ohiosenate.gov>

**Subject:** RE: CRT Proposal

Brandon,

As we discussed on the phone, my small group is working with Averel Meden in Senate President's Matt Huffman's office; Marcus Benjamin with the Senate Republican Caucus; Senator Andrew Brenner; and with Senator Tim Schaffer and his aide, Colin Phillips, in developing a bill to prevent divisive concepts, as defined in the bill, from being taught to our K-12 students in Ohio public schools. I have attached a Word copy of the latest iteration of our bill; Averel sent a previous draft to LSC, and we are waiting for it to come back to us. It will need amendment to conform with the attached version, which is our VER 5.

Thank you for sending me Representative Grendell's bullet points for her draft, which I understand is also at LSC.

Having reviewed this, I believe there is a strong probability that we may be able to develop a bill for both chambers which will be acceptable to all of us. We will also want to bring in as many House and Senate co-sponsors as possible. Please take a look at our draft, and run it by Representative Grendell, if possible, and then get back to me.

Kathy Johnson and I are looking at dates and times to meet with all interested parties in Columbus next week. We will get in touch with you about scheduling as soon as we can. We look forward to working with you.

Mike

Michael S. Goldstein, Esq.

Lieutenant Commander, USNR (Retired)

NE Ohio CRT Working Group

Liaison to Ohio General Assembly

Proclaiming Justice to the Nations

General Counsel and State of Ohio Director

P.O. Box 682711

Franklin, TN 37068-2711

(216) 209-2600

3386 Belvoir Blvd.

Beachwood, OH 44122

(216) 209-2600

mike@b-simple.com

----- Original Message -----

Subject: CRT Proposal

From: "Rep76@ohiohouse.gov" <Rep76@ohiohouse.gov>

Date: Thu, May 13, 2021 4:49 pm

To: "mike@b-simple.com" <mike@b-simple.com>

Mike – copied below are the bullet points for Representative Grendell's bill draft:

*The proposed legislation prohibiting decisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:*

- *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*
- *My bill **does not** prohibit the impartial discussion of history and historical documents*

Best,

*Brandon J. Hendrickson*



Brandon J. Hendrickson  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Rep76  
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**CC:** ameden@ohiosenate.gov; brenner@ohiosenate.gov; Brian Hill (DST); Marcus Benjamin; 'jstover1'; 'kathyphilpjohnson@yahoo.com'  
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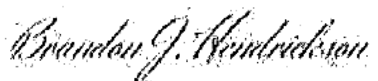
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Michael S. Goldstein, Esq.  
Lieutenant Commander, USNR (Retired)

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(216) 209-2600

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mike@b-simple.com

----- Original Message -----

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Legislative Aide  
State Representative Diane V. Grendell



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

**From:** kathyphilpjohnson@yahoo.com  
**Sent:** Monday, May 17, 2021 11:14 AM  
**To:** Rep76  
**Subject:** RE: CRT Proposal

Thank you, Brandon. Michael Goldstein, Esq. and I are very much looking forward to the meeting.

I can work on education issues using my volunteer position and affiliation with Proclaiming Justice to the Nations.

**Kathy Johnson**  
Assistant Ohio State Director  
[www.pjtn.org](http://www.pjtn.org)



Proclaiming Justice to the Nations  
P.O. Box 682711  
Franklin, TN 37068-2711  
[kathy@pjtn.org](mailto:kathy@pjtn.org)

11263 Chardon Road  
Chardon, OH 44024  
[kathyphilpjohnson@yahoo.com](mailto:kathyphilpjohnson@yahoo.com)  
(440) 376-0149 Mobile

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Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**From:** Rep76

**Sent:** Thursday, May 20, 2021 4:25 PM

**To:** 'anita.clayton@oksenate.gov'

**Subject:** State Rep. Diane Grendell - CRT Conference -- May 26, 9:00 am EST ((8 am CT))

Anita,

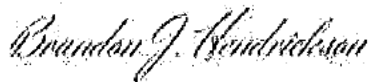
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**Participant Passcode:** 

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



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State Representative Diane V. Grendell



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(614) 644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Rep76

**Sent:** Thursday, May 20, 2021 4:35 PM

**To:** 'Representative Wendy Horman'

**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell

Excellent—I've copied the conference line information below:

1. Dial 1-877-820-7831.
2. Dial the toll-free number and enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode:** 

We look forward to your insight and discussion this coming Wednesday, May 26 at 9:00am EST!

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
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<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Representative Wendy Horman <WendyHorman@house.idaho.gov>

**Sent:** Thursday, May 20, 2021 3:49 PM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Yes I'm available then.

Sent from my iPhone

On May 20, 2021, at 1:42 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Representative Horman,

Sincerest thanks for your response!

Based off our attendance so far we've found the best meeting time to be 9:00 am EST—would you still be able to participate? I will forward the conference line information.

<image003.jpg>

**From:** Representative Wendy Horman <[WendyHorman@house.idaho.gov](mailto:WendyHorman@house.idaho.gov)>  
**Sent:** Thursday, May 20, 2021 3:12 PM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Hi Brandon

Thanks for the invitation. I was the lead floor sponsor of H377 in the House and would be happy to join the call. I will await further details. I am traveling right now so the best number to reach me is my cell:



Best regards,  
Wendy

Sent from my iPhone

On May 20, 2021, at 12:50 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Good afternoon Representative Horman,

This is Brandon Hendrickson, Legislative Aide to State Representative Diane V. Grendell of Ohio. I left you a voice message but am following up with an email. Representative Diane Grendell is extending an invitation to participate in a conference call relating to Critical Race Theory. As Idaho has passed legislation regarding the topic, Representative Grendell would like to arrange for a call with State Legislators whom moved the bills forward in states where it has passed. Our state legislature is in the initial stages of working on CRT legislation.

If you are able to participate in a conference call on Wednesday, May 26<sup>th</sup> at 10:30 am EST, please let us know. We would welcome your insight and assistance.

<image003.jpg>



**From:** Rep76  
**Sent:** Thursday, May 20, 2021 4:42 PM  
**To:** 'kevin.west@okhouse.gov'  
**Subject:** Rep. Diane Grendell (Ohio) - CRT Conference Call Information

Marlene,

Thanks for talking with me today. As discussed, here is some further information on Wednesday's call. I spoke w/ Anita in Senator Bullard's office—she has the call on his calendar.

Copied below is the conference line information:

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Participant Passcode 

We look forward to Representative's West insight and discussion this coming Wednesday, May 26 at 9:00AM EST!

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



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(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Anita Clayton  
**Sent:** Thursday, May 20, 2021 5:01 PM  
**To:** Rep76  
**Subject:** RE: State Rep. Diane Grendell - CRT Conference -- May 26, 9:00 am EST ((8 am CT))

Perfect. Can you tell me if the other members joining the call are all from Ohio or are there members from other states joining the call?

*Anita Clayton*

Executive Assistant  
Senator David Bullard  
Senate District 6  
2300 North Lincoln Blvd.  
Oklahoma City, OK 73105  
Office:405-521-5586  
Email: [anita.clayton@oksenate.gov](mailto:anita.clayton@oksenate.gov)  
[David.bullard@oksenate.gov](mailto:David.bullard@oksenate.gov)

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[David.bullard@oksenate.gov](mailto:David.bullard@oksenate.gov)

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The conference line information is copied below, we look forward to Senator Bullard's insight and discuss!

1. Dial 1-877-820-7831
2. Enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode:** XXXXXXXXXX

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Rep76

**Sent:** Friday, May 21, 2021 10:00 AM

**To:** 'Anita Clayton'

**Subject:** RE: State Rep. Diane Grendell - CRT Conference -- May 26, 9:00 am EST ((8 am CT))

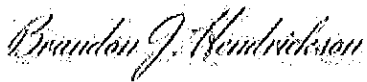
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State Representative Diane V. Grendell

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**From:** Anita Clayton <Anita.Clayton@oksenate.gov>

**Sent:** Thursday, May 20, 2021 5:01 PM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Subject:** RE: State Rep. Diane Grendell - CRT Conference -- May 26, 9:00 am EST ((8 am CT))

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*Anita Clayton*

Executive Assistant

Senator David Bullard

Senate District 6

2300 North Lincoln Blvd.

Oklahoma City, OK 73105

Office:405-521-5586

Email: [anita.clayton@oksenate.gov](mailto:anita.clayton@oksenate.gov)

[David.bullard@oksenate.gov](mailto:David.bullard@oksenate.gov)

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 20, 2021 3:25 PM  
**To:** Anita Clayton <Anita.Clayton@oksenate.gov>  
**Subject:** State Rep. Diane Grendell - CRT Conference -- May 26, 9:00 am EST ((8 am CT))

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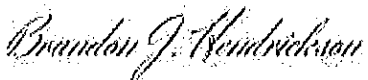
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**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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**From:** Rep76

**Sent:** Friday, May 21, 2021 11:15 AM

**To:** 'hannah.ramey@capitol.tn.gov'

**Subject:** Conference Invitation - State Representative Diane V. Grendell of Ohio - Divisive Concepts Bill Discussion

Hannah,

This is Brandon Hendrickson, Legislative Aide to State Representative Diane Grendell of Ohio. Representative Grendell is extending an invitation to Senator Southerland to participate in a conference call with members of our General Assembly and state representatives that have passed legislation prohibiting the teaching of divisive concepts or critical race theory. She is the prime sponsor of legislation prohibiting the teaching of divisive concepts in our state. Participants confirmed for call are members of our General Assembly supportive of the bill, Oklahoma Senator David Bullard, Oklahoma Representative Kevin West, and Idaho Representative Wendy Horman. Each of these state officials are prime sponsors of bills prohibiting teaching of divisive concepts in their states.

Representative Grendell is hosting this discussion to gain the insight on effective means to pass this legislation in our state, any pitfalls states have run into during/post passage, and suggestions for Ohio's proposal. I am happy to include our bill draft for your review.

Our conference/meeting is scheduled for Wednesday, May 26 at 9:00 am EST. Conference line information is copied below:

1. Dial 1-877-820-7831
2. Dial the toll-free number and enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode:** 

We look forward to Senator Southerland's consideration of attendance, and can be contacted back via email or at (614) 644-5088 ((office) and (440) 476-4370 ((my cell)).

Best,

*Brandon J. Hendrickson*



Brandon J. Hendrickson  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
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<http://www.ohiohouse.gov/diane-grendell>

**From:** Rep76

**Sent:** Friday, May 21, 2021 1:32 PM

**To:** 'markdlowery@mac.com'

**Subject:** Conference Invitation - State Representative Diane V. Grendell of Ohio - Divisive Concepts Bill Discussion

Representative Lowery,

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Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**From:** Kevin West  
**Sent:** Friday, May 21, 2021 2:07 PM  
**To:** Rep76  
**Subject:** RE: Rep. Diane Grendell (Ohio) - CRT Conference Call Information

Hi Brandon,

Thank you for your email and so glad to hear this is working out.

If anything changes, please let me know!

Best,

Marlene

*Marlene Burbank-Jones*

Legislative Assistant to:  
**Representative Kevin West**  
District 54  
Oklahoma House of Representatives  
Phone: 405-557-7343  
Email: [marlene.burbankjones@okhouse.gov](mailto:marlene.burbankjones@okhouse.gov)  
Capitol Building: 2300 N. Lincoln Blvd., OKC, OK 73105

---

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 20, 2021 3:42 PM  
**To:** Kevin West <Kevin.West@okhouse.gov>  
**Subject:** Rep. Diane Grendell (Ohio) - CRT Conference Call Information

[EXTERNAL - This message is from a source outside of the Oklahoma House of Representatives network.]

Marlene,

Thanks for talking with me today. As discussed, here is some further information on Wednesday's call. I spoke w/ Anita in Senator Bullard's office—she has the call on his calendar.

Copied below is the conference line information:

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Participant Passcode XXXXXXXXXX

We look forward to Representative's West insight and discussion this coming Wednesday, May 26 at 9:00AM EST!

Best,

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**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



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**From:** Representative Wendy Horman  
**Sent:** Wednesday, May 26, 2021 4:55 PM  
**To:** Rep76  
**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell  
**Attachments:** H377 Committee and Floor speech.docx

Brandon

Great conversation this morning – thank you. It is always great to learn from colleagues across the country.

Attached is my floor speech. The final line is what has been picked up by the national news outlets that covered this issue when it unfolded in Idaho:

This bill is Idaho's statement that we will not tolerate discrimination and we are reserving education policy and curricular choices to the state and local institutions and schools.

Here are the links to the bills I mentioned:

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I look forward to watching the debate unfold in Ohio.

Best regards,  
Wendy

---

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 20, 2021 2:35 PM



**To:** Representative Wendy Horman <WendyHorman@house.idaho.gov>  
**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell

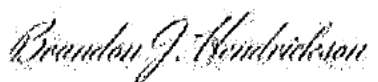
Excellent—I've copied the conference line information below:

1. Dial 1-877-820-7831.
2. Dial the toll-free number and enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode:** [REDACTED]

We look forward to your insight and discussion this coming Wednesday, May 26 at 9:00am EST!

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Representative Wendy Horman <WendyHorman@house.idaho.gov>  
**Sent:** Thursday, May 20, 2021 3:49 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Yes I'm available then.

Sent from my iPhone

On May 20, 2021, at 1:42 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Representative Horman,

Sincerest thanks for your response!

Based off our attendance so far we've found the best meeting time to be 9:00 am EST—would you still be able to participate? I will forward the conference line information.

<image003.jpg>

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**From:** Representative Wendy Horman <WendyHorman@house.idaho.gov>  
**Sent:** Thursday, May 20, 2021 3:12 PM

**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>

**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Hi Brandon

Thanks for the invitation. I was the lead floor sponsor of H377 in the House and would be happy to join the call. I will await further details. I am traveling right now so the best number to reach me is my cell:



Best regards,  
Wendy

Sent from my iPhone

On May 20, 2021, at 12:50 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Good afternoon Representative Horman,

This is Brandon Hendrickson, Legislative Aide to State Representative Diane V. Grendell of Ohio. I left you a voice message but am following up with an email. Representative Diane Grendell is extending an invitation to participate in a conference call relating to Critical Race Theory. As Idaho has passed legislation regarding the topic, Representative Grendell would like to arrange for a call with State Legislators whom moved the bills forward in states where it has passed. Our state legislature is in the initial stages of working on CRT legislation.

If you are able to participate in a conference call on Wednesday, May 26<sup>th</sup> at 10:30 am EST, please let us know. We would welcome your insight and assistance.

<image003.jpg>

Good morning Mr. Chairman members of the committee

[permission to dispense with further reading and refer to pending legislation]

I would like to draw your attention to the title: **Dignity and non-discrimination in Public Education.**

Again, **Dignity and Non-discrimination.**

And that no monies shall be used to support discrimination on the basis of race, sex, ethnicity, religion, color or national origin.

It's really that simple.

You have heard me share a quote on the House floor that **unity and diversity are not opposites.** One way we unite is by ensuring a classroom environment where the dignity and belief of each and every student is respected.

You will notice this bill does NOT prohibit teaching any particular content! In fact, it reaffirms freedom of inquiry and instruction to teach about the Civil War, the Holocaust, the French Revolution, sexism, racism, communism or any other ism.

One of my children had an incredible military history teacher in the Bonneville School District. I was sitting in our office one day while he was practicing the piano. He abruptly stopped playing and turned to me and said, "I just realized Mr. Dyorich isn't a history teacher. He's a future teacher. He is teaching us about the past so we can change the future."

That classroom was full of honest inquiry and debate in a way that my son realized why he was learning history – so he could change the future. That is precisely the type of classroom this bill envisions.

Paragraph (1) is a restatement of our common ground. It elevates existing State Board of Education policy to law that applies to all classrooms in Idaho.

Read highlighted Section 1: "respect the dignity of others, acknowledge the right of others to express differing opinions, and foster and defend intellectual honesty, freedom of inquiry and instruction, and freedom of speech and association."

Again, this bill REAFFIRMS FREEDOM OF BELIEF, INQUIRY, INSTRUCTION, SPEECH AND ASSOCIATION

Parents are growing increasingly concerned about bias and certain curriculum in the classroom and we are now facing extraordinary and rapidly evolving federal takeover of certain curricular aspects of our local schools.

The US Department of Ed has published rules stating as much. One sentence reads, "Schools across the country are working to incorporate anti-racist practices into teaching and learning." Here's the problem: their stated definition of "antiracist idea." "An anti-racist idea is any that suggests the racial groups are equals." That flies in the face of our Declaration that all men, meaning people, are created equal and Martin Luther King's Dream that **that my four little children will** one day live in a nation where **they will not be judged by the color of their skin, but by the content of their character.**

As someone who has spent almost 20 years of my life working to improve educational opportunities for children, this federal rule is deeply troubling to me. I am a firm advocate of retaining state and local control of our schools.

The tenth amendment of the Bill of Rights is clear that any powers not delegated to the United States are reserved to the States or to the people.

This bill is Idaho's statement that we will not tolerate discrimination and we are reserving education policy and curricular choices to the state and local institutions and schools.

**From:** Rep76  
**Sent:** Thursday, May 27, 2021 2:07 PM  
**To:** 'Representative Wendy Horman'  
**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell

Representative Horman,

Thank you very much for your participation yesterday. It was a great meeting and our members expressed how beneficial the conversation was for them.

Representative Grendell appreciates the follow up information—she very much likes the language of dignity and nondiscrimination in public education!

Thank you again for your insight and participation.

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614) 644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Representative Wendy Horman <WendyHorman@house.idaho.gov>  
**Sent:** Wednesday, May 26, 2021 4:55 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell

Brandon

Great conversation this morning – thank you. It is always great to learn from colleagues across the country.

Attached is my floor speech. The final line is what has been picked up by the national news outlets that covered this issue when it unfolded in Idaho:

This bill is Idaho's statement that we will not tolerate discrimination and we are reserving education policy and curricular choices to the state and local institutions and schools.

Here are the links to the bills I mentioned:

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## Rep76

---

**Subject:** CRT Roundtable Discussion  
**Location:** Majority Conference Room on the 15th floor.

**Start:** Wed 5/19/2021 9:00 AM  
**End:** Wed 5/19/2021 10:00 AM

**Recurrence:** (none)

**Organizer:** Rep76

## Rep76

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**Subject:** Meeting with Mike Goldstein, Kathy Johnson, IP's for CRT Bill  
**Location:** 13 Floor East Conference Room

**Start:** Wed 5/19/2021 10:00 AM  
**End:** Wed 5/19/2021 11:00 AM

**Recurrence:** (none)

**Organizer:** Rep76

## Rep76

---

**Subject:** CRT Round Table - Legislators that have passed the bill  
**Location:** 15th Floor Majority Caucus Room

**Start:** Wed 5/26/2021 9:00 AM  
**End:** Wed 5/26/2021 10:00 AM

**Recurrence:** (none)

**Organizer:** Rep76

**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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Hendrickson, Brandon  
**Sent:** Tuesday, May 11, 2021 4:22 PM  
**To:** Thomas, AJ  
**Subject:** Proposed Bill Information

AJ—your boss and Rep. Grendell had a conversation today re: their proposed CRT bills. She asked that I send over the substance of what we are having drafted into ours:

It will be modeled after the following legislation from Arkansas  
(<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB627.pdf>) and incorporate the below copied adjustments.

***Public and Charter Schools to be included in the required entities***

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***If the Director of the Ohio Department of Education finds that any of the entities in the bill knowingly violates the prohibitions, then this bill requires the Ohio Department of Education to withhold state funds, in an amount determined by the ODE, from the entities listed in the bill until they provide evidence to the ODE that they are no longer in violation.***

---

***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:***

***(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with present 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 race, ethnicity, class, nationality, religion, or geographic region; or***

***(4) Historical documents that are permitted under present law, such as the national motto, the national anthem, the state and federal constitutions, state and federal laws, and supreme court decisions.***

Please let me know if Majority Whip Jones has any questions and if he would like to cosponsor with Rep. Grendell.

Thanks,

Brandon  
LA Grendell

**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, 76<sup>th</sup> House District**

**MEMORANDUM**

**To: All Members of the Ohio House of Representatives**

**From: Representative Diane V. Grendell**

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- 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.

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

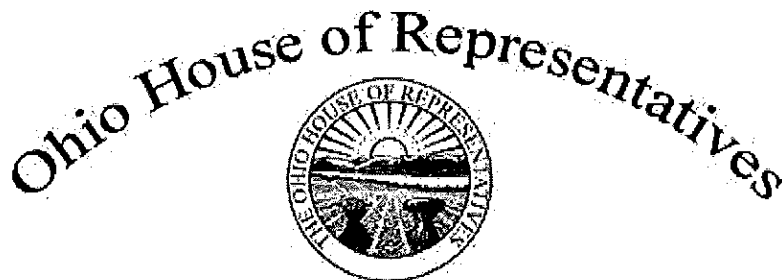
Sincerely,



Diane V. Grendell  
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 19<sup>th</sup> at 9am in the Majority Conference Room on the 15<sup>th</sup> 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 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://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

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

**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  
 440.1.201-2306

Kirsten.Hill@education.ohio.gov  
 sboc.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 14<sup>th</sup>, 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.

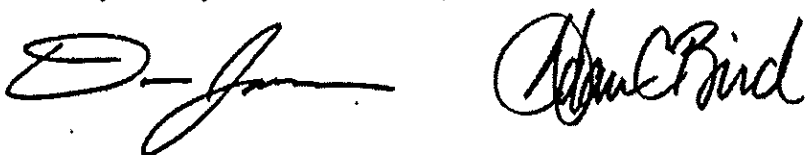
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

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

Thank you for your consideration,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'AJ Thomas'. The signature on the right is also in cursive and appears to be 'Adam Headlee'.

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  
**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 14<sup>th</sup>, 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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

**The deadline for co-sponsoring this legislation is Wednesday, May 19<sup>th</sup> 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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> 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](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

## **Lisa Woods**

[elwoods@eaglefiremail.com](mailto: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**

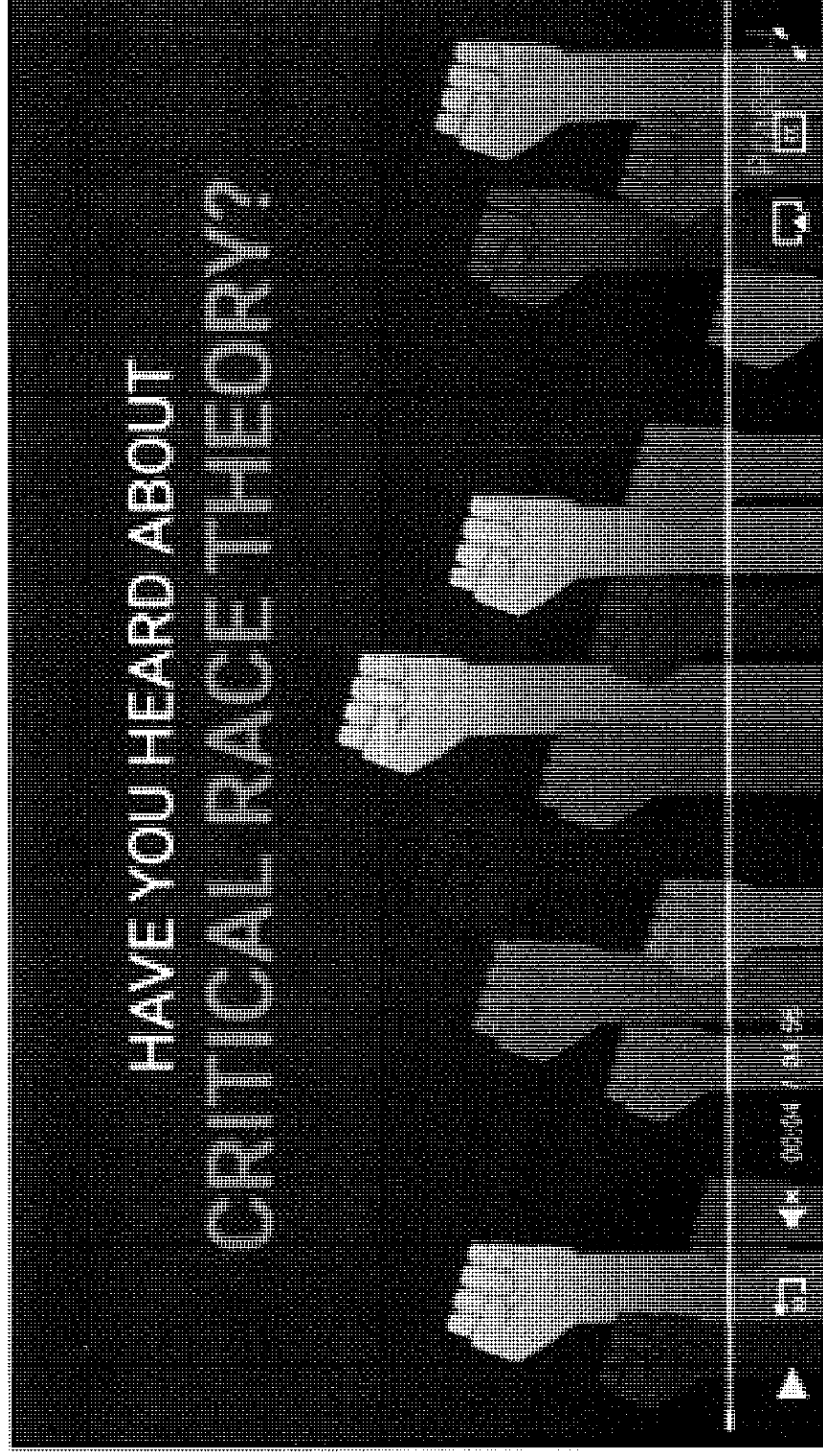
# What is Critical Race Theory?

- 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

Q

# 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](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.

**AKRON BEACON JOURNAL**  
USA TODAY CHINA DAILY 6 EDITION LEGALS

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


**Krista S. Yoak**, Akron Beacon Journal  
Published 6:01 a.m. ET 4/28/2021

**View Comments** 0 0 0 0

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



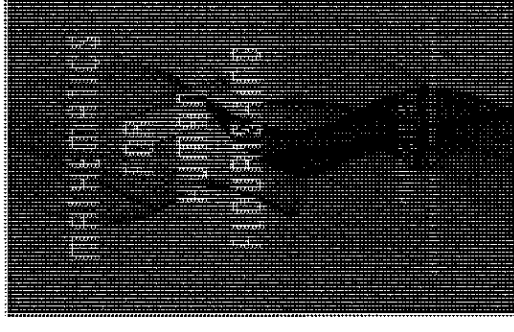
An executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students become more confident in their abilities. She

**AKRON BEACON JOURNAL**



# 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

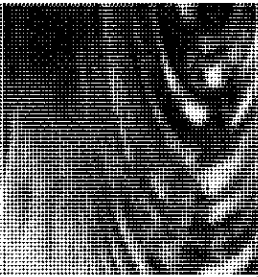
- Educational? Community Conference

## 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 5<sup>th</sup> 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 9<sup>th</sup>. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10<sup>th</sup>.

<https://www.kstanu.edu/enr.com/05080244ADAE7846E38A.html#enr0010>



Highlights  
are speaker's.

Invitation was  
received  
to attend  
this event.

### Conference Sessions

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

# 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 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	<b>5</b>	
Appointed	Martha Manchester	<b>Abstain</b>	
Elected	Antoinette Miranda	Elected	Jenny Kilgore
Elected	Nick Owens	<b>1</b>	
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson		
<b>12</b>			

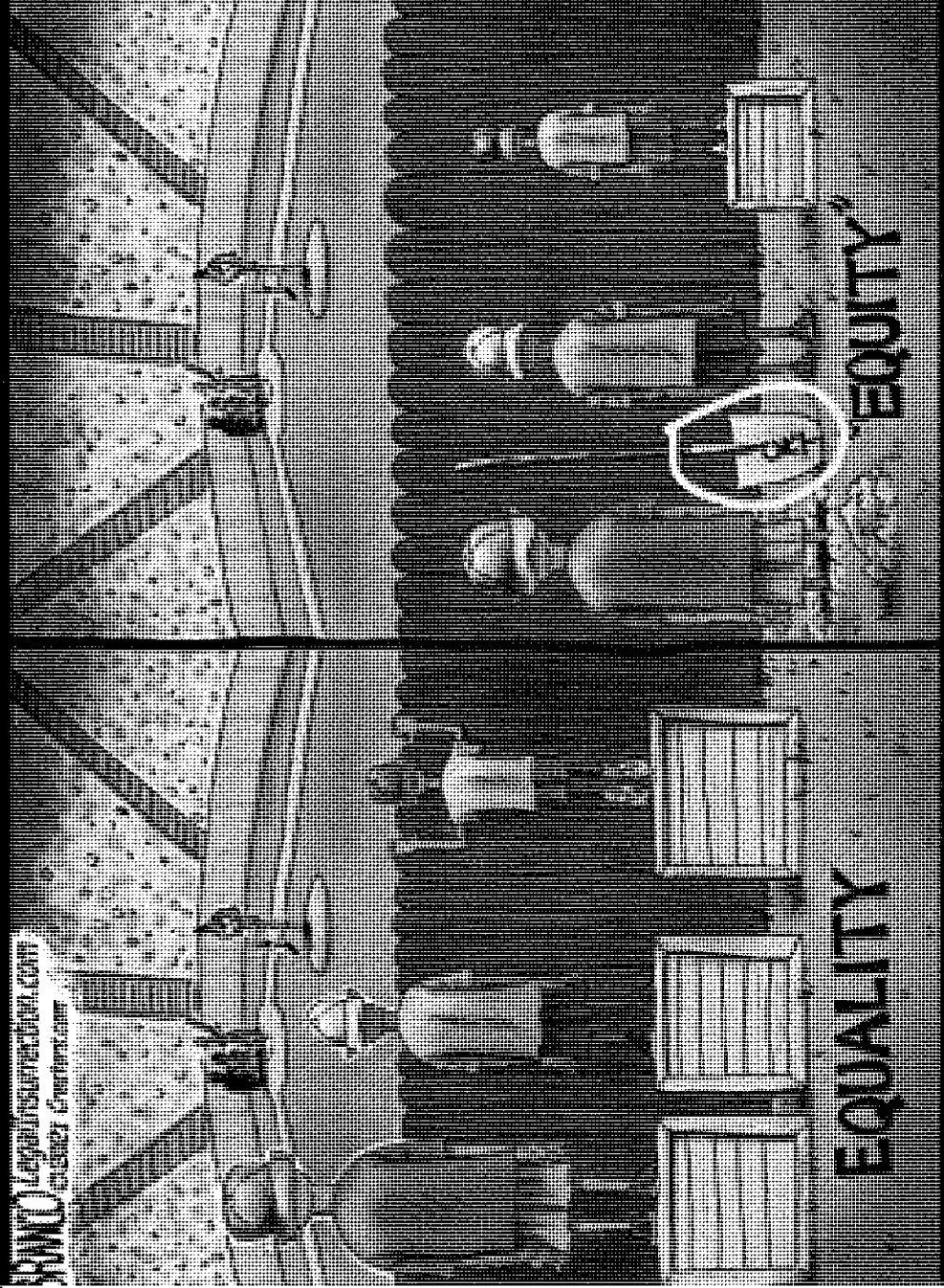
# What is in Kohler's Racist Equity Resolution?

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-1vTkmrhfhYUfCcTbp3NoDmxKZUJAN7xMiVuhgIINBizKz-Ih7yPPqIPFqYzmd5NgKtEdpVugB6GoZwPWR/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=sACNA10qVA>  
Part 2 [https://www.youtube.com/watch?v=Ld7\\_g-89FFA](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\\_nXpKgu2KvgydM YUM9ommFo-55I](https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydM YUM9ommFo-55I)

# Teacher Pipeline

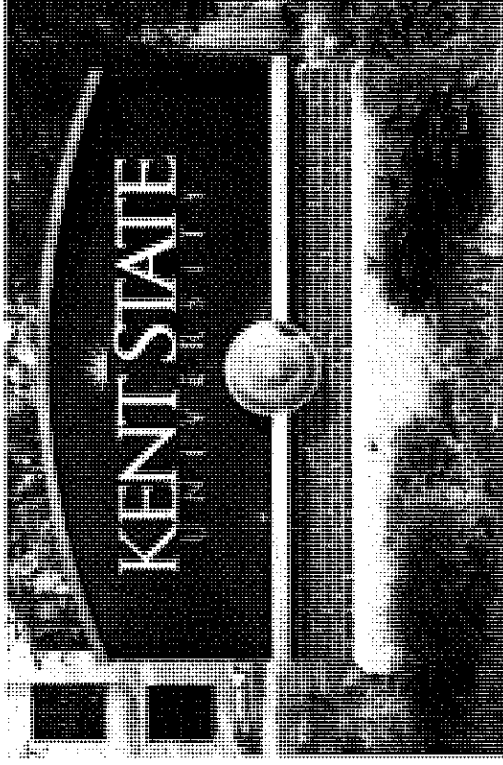
## THE COLLEGE FIX

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



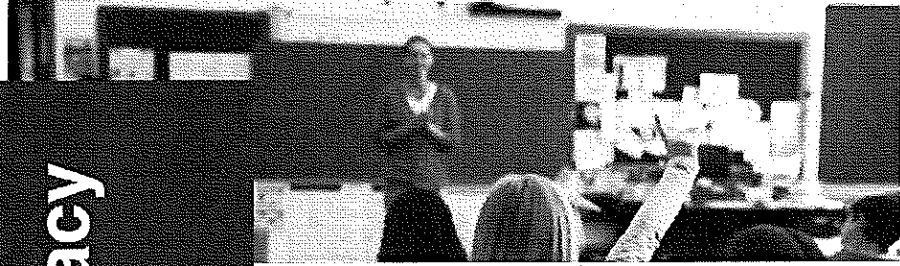
Source: <https://legalinsurrection.com/2021/03/kent-state-university-establishes-anti-racism-and-equity-institute/>

# How is Federal government implementing?

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

## 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



1620

*A Critical Response  
to the 1619 Project*

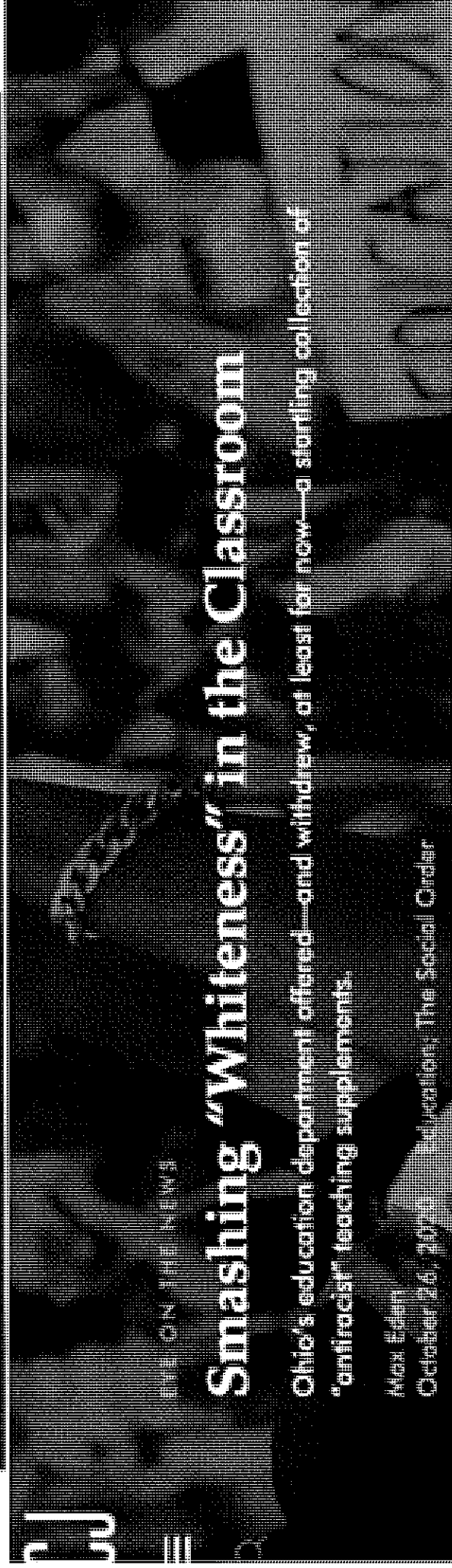
**PETER W. WOOD**

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# 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**



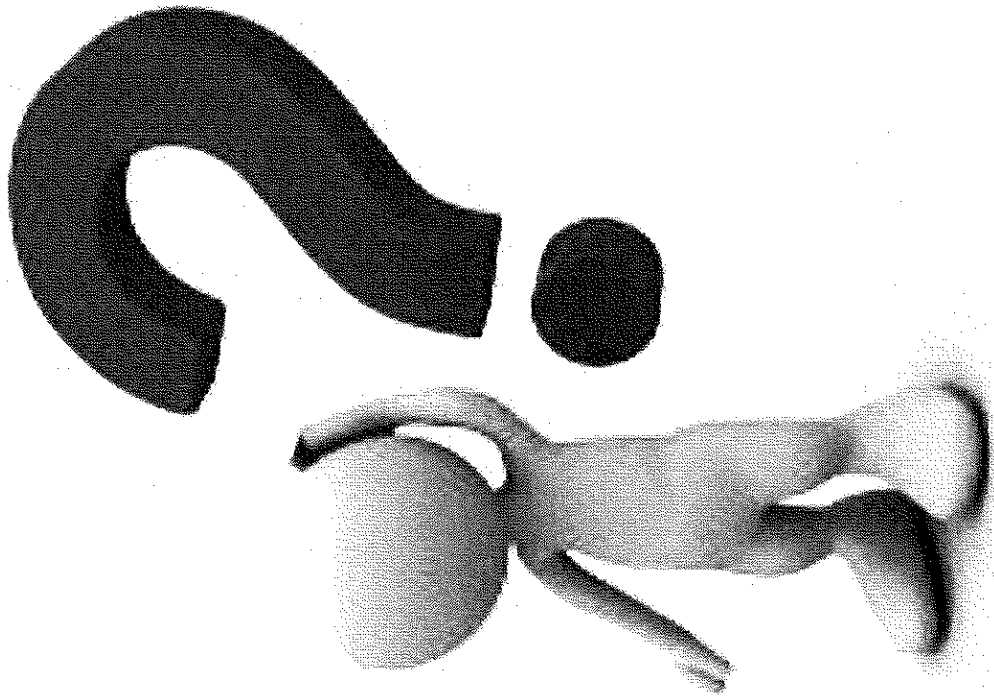
# Speaker

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

**withlovefrommimi@g**

**mail.com**

Questions?



**Thank you. Contact us:**

**Kirsten Hill**

[kirsten@kirstenhill.com](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

**Lisa Woods**

[elwoods@eaglefiremail.com](mailto: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 14<sup>th</sup>, 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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

**The deadline for co-sponsoring this legislation is Wednesday, May 19<sup>th</sup> 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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Don Jones  
Majority Whip  
House District 95

Adam Bird  
State Representative  
House District 66

**From:** Hendrickson, Brandon  
**Sent:** Tuesday, May 18, 2021 12:49 PM  
**To:** Thomas, AJ  
**Subject:** Meeting RoundTable Next Week

AJ—Rep. Grendell mentioned that her and Rep. Jones were looking to arrange a round table next Tuesday with the state's that had passed CRT legislation. Happy to talk logistics further.

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Hendrickson, Brandon  
**Sent:** Tuesday, May 18, 2021 4:27 PM  
**BCC:** Gross, Levi; Strobe, Lauren  
**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 76<sup>th</sup> 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



5eedw4bzamrwxpqfa4rhc

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
<b>Sec. 3314.03.</b> 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	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;

(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 shall also submit copies of all policies and procedures regarding internal financial controls adopted by the governing authority of the school.	391 392 393 394
(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.	395 396 397 398 399 400 401 402 403 404
(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:	405 406 407 408 409
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	410 411 412
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	413 414 415
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to	416 417

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:** Gross, Levi  
**Sent:** Tuesday, May 18, 2021 4:36 PM  
**To:** Hendrickson, Brandon  
**Subject:** RE: Rep. Grendell CRT Bill Draft

Thank you Brandon!

---

**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 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>



**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 14<sup>th</sup>, 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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

**The deadline for co-sponsoring this legislation is Wednesday, May 19<sup>th</sup> 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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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.

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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;
- (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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

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

Thank you for your consideration,

Handwritten signatures, including one that appears to be "AJ Thomas" and another that is partially legible as "Adam Headlee".

Don Jones  
Majority Whip  
House District 95

Adam Bird  
State Representative  
House District 66





**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 14<sup>th</sup>, 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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

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

Thank you for your consideration,



Don Jones  
Majority Whip  
House District 95

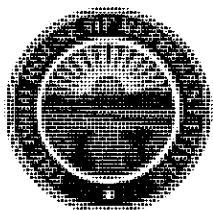
Adam Bird  
State Representative  
House District 66

**From:** Culp, Bailey  
**Sent:** Wednesday, May 19, 2021 3:56 PM  
**To:** Hendrickson, Brandon  
**Subject:** Co-sponsor- Rep Wiggam

Brandon,

If you could please include Representative Wiggam as a co-sponsor of the bill that would **“Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex”**, the representative would greatly appreciate that.

Best,



**Bailey Culp (Mr.)**  
Constituent Aide | District 1  
Office of Representative Scott Wiggam  
Ohio House of Representatives  
(614) 466-1474  
[Bailey.Culp@ohiohouse.gov](mailto:Bailey.Culp@ohiohouse.gov)

**From:** Hendrickson, Brandon  
**Sent:** Thursday, May 20, 2021 8:19 AM  
**To:** Culp, Bailey  
**Subject:** RE: Co-sponsor- Rep Wiggam

Bailey—confirming his addition to the bill. Please thank him for the support!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



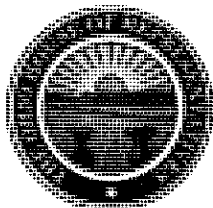
Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Culp, Bailey <Bailey.Culp@ohiohouse.gov>  
**Sent:** Wednesday, May 19, 2021 3:56 PM  
**To:** Hendrickson, Brandon <Brandon.Hendrickson@ohiohouse.gov>  
**Subject:** Co-sponsor- Rep Wiggam

Brandon,

If you could please include Representative Wiggam as a co-sponsor of the bill that would **“Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex”**, the representative would greatly appreciate that.

Best,



**Bailey Culp** (Mr.)  
Constituent Aide | District 1  
Office of Representative Scott Wiggam  
Ohio House of Representatives  
(614) 466-1474  
[Bailey.Culp@ohiohouse.gov](mailto:Bailey.Culp@ohiohouse.gov)

**From:** Brandon Hendrickson

**Sent:** Thursday, May 20, 2021 11:39 AM

**To:** Hendrickson, Brandon

**Subject:** The Price of Conforming to Critical Race Theory | Fox News

[https://urldefense.com/v3/https://www.foxnews.com/opinion/the-price-of-conforming-to-critical-race-theory\\_\\_!AC6e5FAr!iuQEjocdAx3FYK844OFxp85bfs4E2m9UnPf8oW-1IINrLQjkS2ED5oW05MjaCD9kIBGEVfBUKYa\\$](https://urldefense.com/v3/https://www.foxnews.com/opinion/the-price-of-conforming-to-critical-race-theory__!AC6e5FAr!iuQEjocdAx3FYK844OFxp85bfs4E2m9UnPf8oW-1IINrLQjkS2ED5oW05MjaCD9kIBGEVfBUKYa$)

Sent from my iPhone

**From:** Thomas, AJ  
**Sent:** Thursday, May 20, 2021 3:14 PM  
**To:** Hendrickson, Brandon  
**Subject:** Fwd: CRT Bill  
**Attachments:** I\_134\_1375-4.pdf

Bill attached. Thanks!

AJ

I\_134\_1375-4

134th General Assembly  
Regular Session  
2021-2022

. B. No.

—  
**A BILL**

To amend sections 3301.079, 3314.03, and 3326.11 1  
and to enact sections 3313.6027, 3313.6028, and 2  
3313.6029 of the Revised Code regarding the 3  
teaching of certain current events and certain 4  
concepts regarding race and sex in public 5  
schools. 6

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

**Section 1.** That sections 3301.079, 3314.03, and 3326.11 be 7  
amended and sections 3313.6027, 3313.6028, and 3313.6029 of the 8  
Revised Code be enacted to read as follows: 9

**Sec. 3301.079.** (A) (1) The state board of education 10  
periodically shall adopt statewide academic standards with 11  
emphasis on coherence, focus, and essential knowledge and that 12  
are more challenging and demanding when compared to 13  
international standards for each of grades kindergarten through 14  
twelve in English language arts, mathematics, science, and 15  
social studies. 16

(a) The state board shall ensure that the standards do all 17



of the following:	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 21 22 23
(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 prescribed by this division in their historical context, which	34 35 36 37 38 39 40 41 42 43 44 45 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  
learning in association with any organization engaged in 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 sex, bears responsibility for actions committed in the past by other members of the same race or sex;</u>	280 281 282
<u>(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;</u>	283 284 285
<u>(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;</u>	286 287 288
<u>(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;</u>	289 290 291
<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	292 293 294
<u>(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.</u>	295 296 297 298 299
<u>(B) No teacher or school administrator employed by a school district or employee of a state agency shall approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate the concepts described in divisions (A) (1) to (11) of this section.</u>	300 301 302 303 304 305
<u>(C) If a student completes a course that includes any of</u>	306

the concepts described in divisions (A)(1) to (11) of this 307  
section, that course shall not count towards the requirements 308  
for high school graduation specified in section 3313.603 of the 309  
Revised Code. 310

Sec. 3313.6029. No teacher shall be required by a policy 311  
of any state agency, school district, or school administration 312  
to affirm a belief in the systemic nature of racism, or like 313  
ideas, or in the multiplicity or fluidity of gender identities, 314  
or like ideas, against the teacher's sincerely held religious or 315  
philosophical convictions. 316

**Sec. 3314.03.** A copy of every contract entered into under 317  
this section shall be filed with the superintendent of public 318  
instruction. The department of education shall make available on 319  
its web site a copy of every approved, executed contract filed 320  
with the superintendent under this section. 321

(A) Each contract entered into between a sponsor and the 322  
governing authority of a community school shall specify the 323  
following: 324

(1) That the school shall be established as either of the 325  
following: 326

(a) A nonprofit corporation established under Chapter 327  
1702. of the Revised Code, if established prior to April 8, 328  
2003; 329

(b) A public benefit corporation established under Chapter 330  
1702. of the Revised Code, if established after April 8, 2003. 331

(2) The education program of the school, including the 332  
school's mission, the characteristics of the students the school 333  
is expected to attract, the ages and grades of students, and the 334  
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 to be used that contains at least the following information:	362 363

(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  
awarded under the federal race to the top program, Division (A), 452

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.



- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 481  
482
- (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  
484  
485
- (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  
487  
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489
- (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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503
- (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: 504  
505  
506  
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509

(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

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

and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	567 568
(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:	569 570 571
(a) An indication of what blended learning model or models will be used;	572 573
(b) A description of how student instructional needs will be determined and documented;	574 575
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	576 577
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	578 579 580
(e) A statement describing how student progress will be monitored;	581 582
(f) A statement describing how private student data will be protected;	583 584
(g) A description of the professional development activities that will be offered to teachers.	585 586
(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;	587 588 589 590
(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity	591 592 593

shall be independent from the operator with which the school has 594  
contracted. 595

(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

(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

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

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  
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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:	712
Section 3314.03 of the Revised Code as amended by H.B.	713
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	714
89, all of the 133rd General Assembly.	715
Section 3326.11 of the Revised Code as amended by H.B.	716
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	717
General Assembly.	718

**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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**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>

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

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- 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;
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The deadline to cosponsor this legislation is **Friday, May 21<sup>th</sup> at 3:00pm**.

Sincerely,

<image002.png>

**From:** Hendrickson, Brandon  
**Sent:** Friday, May 21, 2021 2:18 PM  
**To:** Richwine, Megan  
**Subject:** CRT Bill  
**Attachments:** 1\_134\_1448-1.pdf

Language attached!

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> 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



5eedw4bzamrwxpqfa4rhc

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
<b>Sec. 3314.03.</b> 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

(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 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

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:** 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 14<sup>th</sup>, 2021  
**Re:** Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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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;

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- (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.

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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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

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Adam Bird  
State Representative  
House District 66



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Majority Whip  
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Adam Bird  
State Representative  
House District 66

**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, 76<sup>th</sup> 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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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](mailto:Rep76@ohiohouse.gov).

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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**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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<image002.png>

**From:** Grendell, Diane

**Sent:** Sunday, May 23, 2021 8:37 PM

**To:** Ingram, Catherine

**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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- 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.

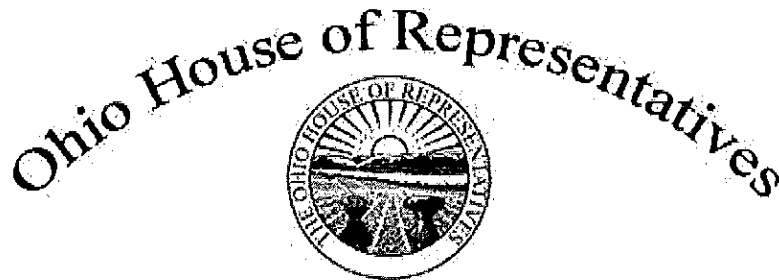
If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov).

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

Sincerely,

<image002.png>

**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

---

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 24<sup>th</sup> at 9am in the Majority Conference Room on the 15<sup>th</sup> 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:** Don Chaffins

**Sent:** Monday, February 22, 2021 4:41 PM

**To:** Rep76

**Subject:** Note from Don Chaffins to your Facebook Page State Rep Diane Grendell

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Your Name: Don Chaffins

Phone Number: 330-416-1411

Your Question: Hello Diane, I am one of your constituents who lives in Windham Ohio and there are at least 2 states that are working on legislation to ban Critical Race Theory trainings and I feel that we should join in with those other states and do the same. Here is a video I feel would be beneficial to you for reference, [https://youtu.be/B0dJOFHfX\\_s](https://youtu.be/B0dJOFHfX_s).

Another issue I feel is important to address is something Governor DeSantis is working on in Florida that addresses the silencing of people from social media. Poland has already enacted laws against big tech for this. We need an internet bill of rights.

Lastly I feel we should get on board with what one Missouri county is doing about the protection of people against the federal government if they try to infringe on our second amendment rights. Especially if it comes through executive orders and not by amending the constitution. In fact, as a state, we should pass legislation that ignores all of Joe Biden's executive orders but that may be a bit hard to pass.

If I can be of any more assistance, please feel free to contact me. I would be honored to help improve our state. My best wishes are with you as you continue to serve your constituents.

Sincerely,  
Don Chaffins

**From:** Mr. Paul

**Sent:** Monday, March 15, 2021 10:21 AM

**To:** Rep85; Rep97; Rep74; Rep38; Rep30; Rep98; Rep90; Rep29; Rep82; Rep89; Rep70; Rep47; Rep76; Rep57; Rep95; Rep55; Rep03; Rep79; Rep81; Rep61; Rep93; Rep94; Rep77; Rep80; Rep67; Rep72; Rep23; Rep71; Rep62; Rep54; Rep40; Rep50; Rep68; Rep87; Rep04; Rep51; Rep48; Rep01; Rep91; Rep84; Rep27; Rep07; Rep05; Rep86

**Subject:** Proposed Legislation Prohibiting Methods of Critical Race Theory

Hello,

A couple months ago President Biden revoked the "Executive Order on Combating Race and Sex Stereotyping", which prohibited federal agencies from promoting and training employees in concepts regarding: race and sex essentialism, race and sex scapegoating, collective guilt, and racial superiority, among others.

The training and concepts that the executive order sought to prohibit came from a school of thought referred to as "Critical Race Theory (CRT)" and its praxis "Antiracism". In short, Critical Race Theory (CRT) is predicated on the notion that racism is not aberrational but normative and is present in all matters of affairs in society under a concept known as "systemic racism". This concept can be simply expressed in the CRT scholar Robin Di'Angelo words: "The question is not 'Did racism take place?' but 'How did racism manifest in that situation?' The methods that CRT enthusiasts use in order to enforce CRT and remove what they believe to be "systemic racism" is referred to as "Antiracism". Antiracism, in the form of so-called "diversity training" seeks to eliminate "systemic racism" by enforcing divisive concepts referenced in 2(a) of the revoked executive order, as well as other methods of discrimination. Ibram X Kendi, a prominent Antiracist activist advocates for similar methods in his book "How to Be an Antiracist" where he states: "The only remedy to racist discrimination is Antiracism discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination."

With that said, the CRT/Antiracist movement is not a continuation of civil rights causes that are inherent in free western societies. CRT/Antiracism openly questions the very notion of western civil liberties such as freedom of speech, equality under the law, individual rights, etc and considers logic, reason, science, and liberal notions of equality as "white-supremacy". These methods are not only discriminatory but antithetical to the Civil Rights Act of 1964.

States in the USA are starting to realize the implications of CRT/Antiracism as it pervades governments, business, universities, and k-12 schools, and have begun drafting legislation to prohibit the same practices and methods outlined in the now rescinded executive order. With that said, I strongly recommend that the state of Ohio also follow suit in prohibiting the effects of CRT by drafting legislation similar to the currently revoked executive order, especially since it is causing much damage in United States institutions. Below is a short article outlining what states and local governments can do:

[Maintaining the Ban on Critical Race Theory](#) (5 minute read):

To be clear, this is not a recommendation to ban diversity and culture sensitivity training. I think diversity and culture sensitivity training can be beneficial to society when they are based on liberal and humanist principles. What I am proposing is that you consider prohibiting the divisive principles and discrimination of CRT. If you choose not to follow the path that other states are taking to create legislation against CRT that is fine, I understand that you may disagree with me or be too busy to do so, but I would suggest at least learning more about CRT/Antiracism and its implications. I have provided a few short articles on the topic, as well as some articles focusing on the problems that governments, businesses, and school systems (even those in Ohio) have been facing in relation to CRT:



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Thank you for time and have a great day,  
A Concerned Citizen from Ohio



**From:** Mick Rieser  
**Sent:** Wednesday, March 31, 2021 6:50 PM  
**To:** Rep73  
**CC:** Rep74  
**Subject:** Fwd: Texas Legislators take action on Critical RACE Theory in Schools  
**Attachments:** Scan0071.pdf

please read below email and attached info

----- Forwarded message -----

**From:** **Mick Rieser** <[mickrfs@gmail.com](mailto: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](mailto:Rep50@ohiohouse.gov)>  
**Cc:** <[Rep51@ohiohouse.gov](mailto:Rep51@ohiohouse.gov)>

Please read email below and attachment

----- Forwarded message -----

**From:** **Mick Rieser** <[mickrfs@gmail.com](mailto: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](mailto:Rep40@ohiohouse.gov)>  
**Cc:** <[Rep41@ohiohouse.gov](mailto:Rep41@ohiohouse.gov)>

Please see below email and attached

----- Forwarded message -----

**From:** **Mick Rieser** <[mickrfs@gmail.com](mailto: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](mailto:Rep23@ohiohouse.gov)>  
**Cc:** <[Rep27@ohiohouse.gov](mailto: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](mailto:mickrfs@gmail.com)

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Mick Rieser  
Fenestration Solutions, LLC  
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## 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, 1:00:32 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:** Mr. Paul

**Sent:** Monday, April 19, 2021 2:55 PM

**To:** Rep85; Rep97; Rep74; Rep38; Rep30; Rep98; Rep90; Rep29; Rep82; Rep89; Rep70; Rep47; Rep76; Rep57; Rep95; Rep55; Rep03; Rep79; Rep81; Rep61; Rep93; Rep94; Rep77; Rep80; Rep67; Rep72; Rep23; Rep71; Rep62; Rep54; Rep40; Rep50; Rep68; Rep87; Rep04; Rep51; Rep48; Rep01; Rep91; Rep84; Rep27; Rep07; Rep05; Rep86

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**From:** edtprk@aol.com  
**Sent:** Friday, April 23, 2021 1:27 PM  
**To:** Rep76  
**Subject:** 1619 Project being taught in Ohio

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

First Name: Elsie  
Last Name: Tarczy  
Email: edtprk@aol.com  
Phone: (216) 538-0023  
Address:  
1091 Sheerbrook DR.  
Chagrin Fall, OH 44022

Subject: 1619 Project being taught in Ohio

Message: Hi Diane, Are you aware of this lawsuit against the State of Ohio School Board? This article from the Daily Wire recounts a lawsuit against the school board because the board refused to listen to people arguing against the 1619 Project in the Ohio Schools. Please read this link and comment. I am appalled that the Board will not listen to parents. Elsie Tarczy, South Russell Precinct C GOP representative.

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>

**From:** Theresaspear@roadrunner.com  
**Sent:** Tuesday, April 27, 2021 6:07 PM  
**To:** Rep76  
**Subject:** Vaccine passport and critical race theory

First Name: Theresa  
Last Name: Spear  
Email: Theresaspear@roadrunner.com  
Phone: (440) 666-2610  
Address:  
43 Morningside Dr  
Chagrin Falls, OH 44023

Subject: Vaccine passport and critical race theory

Message: Hello

I am writing to you because I am very concerned about what is going on in this country and in our state. The state legislature is run by republicans and I am very disappointed in the lack of important legislation getting passed. It took a year just to get a bill passed to rein in Dewine's powers with all of these ridiculous mandates! We need to follow the lead of other states with true principled Republican governors unlike Dewine, who is awful. Is there any legislation on banning vaccine passports for both public and private business in the state? Is there any legislation banning critical race theory being taught in our schools? Is there any legislation to stop schools from forcing our kids to wear masks all day? Is there any legislation protecting our second amendment rights? These are just a few of the many things that need to happen quickly in Ohio. We need to keep Ohio a great free state where people want to live and thrive.

Thank you for you time.

Theresa Spear

**From:** Rep76  
**Sent:** Wednesday, April 28, 2021 11:48 AM  
**To:** 'edtprk@aol.com'  
**Subject:** RE: 1619 Project being taught in Ohio

Elsie,

Thank you for sharing this. This is of the utmost concern; free speech is imperative in our state and parents must be given the opportunity to oppose lessons that are being taught to their children.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** edtprk@aol.com <edtprk@aol.com>  
**Sent:** Friday, April 23, 2021 1:27 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** 1619 Project being taught in Ohio

First Name: Elsie  
Last Name: Tarczy  
Email: [edtprk@aol.com](mailto:edtprk@aol.com)  
Phone: (216) 538-0023  
Address:  
1091 Sheerbrook DR.  
Chagrin Fall, OH 44022

Subject: 1619 Project being taught in Ohio

Message: Hi Diane, Are you aware of this lawsuit against the State of Ohio School Board? This article from the Daily Wire recounts a lawsuit against the school board because the board refused to listen to people arguing against the 1619 Project in the Ohio Schools. Please read this link and comment. I am appalled that the Board will not listen to parents. Elsie Tarczy, South Russell Precinct C GOP representative.

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>



**From:** ELSIE TARCZY  
**Sent:** Wednesday, April 28, 2021 9:06 PM  
**To:** Rep76  
**Subject:** Re: 1619 Project being taught in Ohio

Diane, Thanks for your reply. I am hoping that the Ohio Representatives introduce and pass a bill that outlaws the teaching of critical race theory in Ohio schools as has been done in other states, and that President Trump had passed through executive order. Elsie Tarczy

On Apr 28, 2021, at 11:47 AM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Elsie,

Thank you for sharing this. This is of the utmost concern; free speech is imperative in our state and parents must be given the opportunity to oppose lessons that are being taught to their children.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** [edtprk@aol.com](mailto:edtprk@aol.com) <[edtprk@aol.com](mailto:edtprk@aol.com)>  
**Sent:** Friday, April 23, 2021 1:27 PM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** 1619 Project being taught in Ohio

First Name: Elsie  
Last Name: Tarczy  
Email: [edtprk@aol.com](mailto:edtprk@aol.com)  
Phone: (216) 538-0023  
Address:  
1091 Sheerbrook DR.  
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Subject: 1619 Project being taught in Ohio

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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>

**From:** jrm197234  
**Sent:** Friday, April 30, 2021 2:50 AM  
**To:** Rep01  
**Subject:** School curriculum

I ask that you create or sponsor a bill to ban critical race theory and common core from all Ohio school curriculums. Thank you

Jeff Mullins  
Upper Sandusky, Ohio 43351

**From:** jrm197234

**Sent:** Friday, April 30, 2021 2:50 AM

**To:** Rep01

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Jeff Mullins

Upper Sandusky, Ohio 43351

**From:** jrm197234

**Sent:** Friday, April 30, 2021 2:50 AM

**To:** Rep01

**Subject:** School curriculum

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Upper Sandusky, Ohio 43351

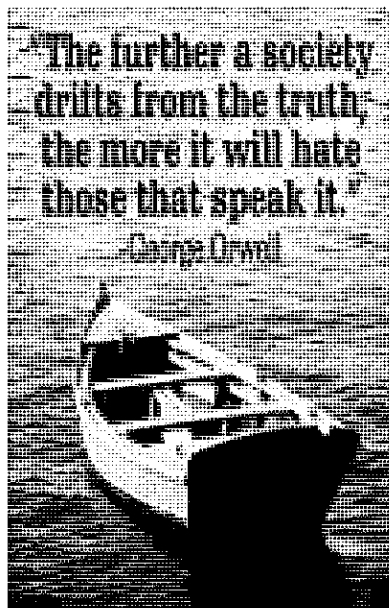
**From:** Auburntownship.org

**Sent:** Saturday, May 1, 2021 9:50 AM

**To:** Rep76

**Subject:** SCHOOL ISSUES: SEE WHAT YOUR NEIGHBORS ARE TALKING ABOUT

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## 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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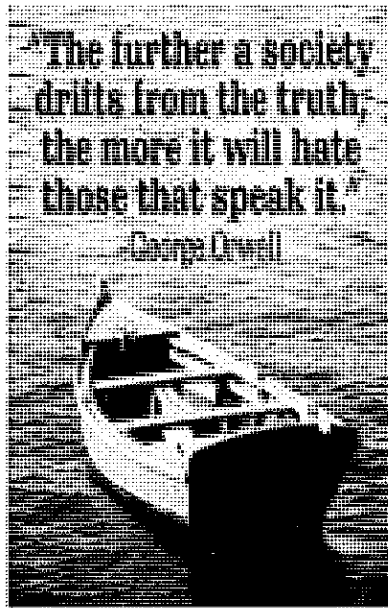
**From:** Auburntownship.org

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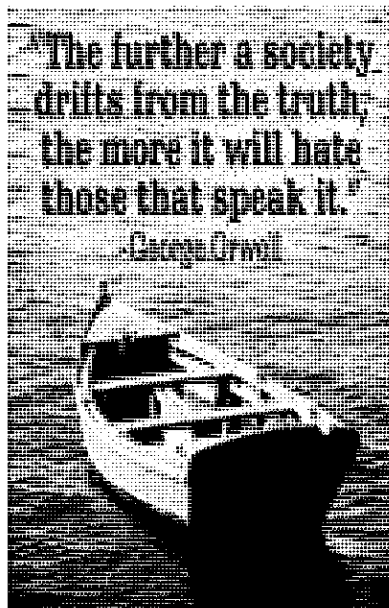
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**From:** jrm197234  
**Sent:** Sunday, May 2, 2021 5:27 AM  
**To:** Rep01  
**Subject:** Schools

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:** Mr. Paul

**Sent:** Monday, May 3, 2021 11:58 AM

**To:** Rep85; Rep97; Rep74; Rep38; Rep30; Rep98; Rep90; Rep29; Rep82; Rep89; Rep70; Rep47; Rep76; Rep57; Rep95; Rep55; Rep03; Rep79; Rep81; Rep61; Rep93; Rep94; Rep77; Rep80; Rep67; Rep72; Rep23; Rep71; Rep62; Rep54; Rep40; Rep50; Rep68; Rep87; Rep04; Rep51; Rep48; Rep01; Rep91; Rep84; Rep27; Rep07; Rep05; Rep86

**Subject:** Checking In - Regarding Proposed Legislation Prohibiting Methods of Critical Race Theory

Hello,

About a month ago I sent a message regarding the dangers of Critical Race Theory (CRT) and how it is affecting United States institutions. Recently the Biden Administration has proposed a new rule that will prioritize grants to programs that use Critical Race Theory ideas ([Biden Set to Push Critical Race Theory on U.S. Schools](#)). In short, CRT promotes concepts regarding: race and sex essentialism, race and sex scapegoating, collective guilt, and racial superiority, among others. These concepts have already permeated into public education.

A quick 5 min video on what CRT is: [What is CRT?](#)

Parents across the United States are learning that the divisive concepts CRT are being taught in their children's schools and are not happy. The scandal in Loudoun Virginia ([Ian Prior: Critical race theory in Virginia schools needs to end. I'm a parent watching this unfold](#)) and Texas ([Parents Vote To Stop Critical Race Insanity In Texas's Top School District](#)) are but a couple examples out of many. Even parents in Ohio are also speaking out against CRT ([Black woman slams Ohio school board for critical race theory indoctrination of students](#)).

With that said, I urge you to consider legislation that prohibits the divisive concepts of CRT. Below is the original message I sent to you last month which provides a brief overview on what CRT is and how it is being implemented across the country.

If you could please take a little bit of time to review the information below, it would be most appreciated.

Thanks,

A Concerned Ohio Citizen

-----Original Message-----

A couple months ago President Biden revoked the "[Executive Order on Combating Race and Sex Stereotyping](#)", which prohibited federal agencies from promoting and training employees in concepts regarding: race and sex essentialism, race and sex scapegoating, collective guilt, and racial superiority, among others.

The training and concepts that the executive order sought to prohibit came from a school of thought referred to as "Critical Race Theory (CRT)" and its praxis "Antiracism". In short, Critical Race Theory (CRT) is predicated on the notion that racism is not aberrational but normative and is present in all matters of affairs in society under a concept known as "systemic racism". This concept can be simply expressed in the CRT scholar Robin Di'Angelo words: "The question is not 'Did racism take place?' but 'How did racism manifest in that situation?' The methods that CRT enthusiasts use in order to enforce CRT and remove what they believe to be "systemic racism" is referred to as "Antiracism". Antiracism, in the form of so-called "diversity training" seeks to eliminate "systemic racism" by enforcing divisive concepts referenced in 2(a) of the revoked executive order, as well as other methods of discrimination. Ibram X Kendi, a prominent Antiracist activist advocates for similar methods in his book "How to Be an Antiracist" where he states: "The only remedy to racist discrimination is

Antiracism discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination."

With that said, the CRT/Antiracist movement is not a continuation of civil rights causes that are inherent in free western societies. CRT/Antiracism openly questions the very notion of western civil liberties such as freedom of speech, equality under the law, individual rights, etc and considers logic, reason, science, and liberal notions of equality as "white-supremacy". These methods are not only discriminatory but antithetical to the Civil Rights Act of 1964.

States in the USA are starting to realize the implications of CRT/Antiracism as it pervades governments, business, universities, and k-12 schools, and have begun drafting legislation to prohibit the same practices and methods outlined in the now rescinded executive order. With that said, I strongly recommend that the state of Ohio also follow suit in prohibiting the effects of CRT by drafting legislation similar to the currently revoked executive order, especially since it is causing much damage in United States institutions. Below is a short article outlining what states and local governments can do:

[Maintaining the Ban on Critical Race Theory \(5 minute read\):](#)

To be clear, this is not a recommendation to ban diversity and culture sensitivity training. I think diversity and culture sensitivity training can be beneficial to society when they are based on liberal and humanist principles. What I am proposing is that you consider prohibiting the divisive principles and discrimination of CRT. If you choose not to follow the path that other states are taking to create legislation against CRT that is fine, I understand that you may disagree with me or be too busy to do so, but I would suggest at least learning more about CRT/Antiracism and its implications. I have provided a few short articles on the topic, as well as some articles focusing on the problems that governments, businesses, and school systems (even those in Ohio) have been facing in relation to CRT:

### **Resources on Critical Race Theory**

- [What is Critical Race Theory? \(3 min read\)](#)
- [Beginners Curriculum to Critical Race Theory \(Resource Page\)](#)
- [Antiracism \(3 min read\)](#)
- [CRT vs. Liberal Diversity Training](#)
- [Cynical Theories \(Best Selling Book on the Implications of Postmodernism and CRT\)](#)

### **Examples of CRT in K-12 Schools**

- [Black woman slams Ohio school board for critical race theory indoctrination of students](#)
- [Black Nevada Mom Sues School After Mixed Raced Son was forced to claim his "white privilege"](#)
- [Beachwood OH, Board of Education Testimony](#)
- [Teachers Compile List Of Parents Who Question Racial Curriculum, Plot War On Them](#)
- [Boise State cancels 50-plus diversity classes after claims student was 'degraded' for beliefs](#)
- [Twitter thread of many instances of CRT in schools](#)
- [Jewish and Black Activists Speak Out Against Cal. Model Curriculum](#)
- [Lawsuit says new Thomas Jefferson HS admissions policy discriminates against Asian-Americans](#)
- [Killing the SAT Means Hurting Minorities](#)
- [Program To Take Racism Out Of Math Being Promoted By Oregon DOE](#)
- [School Board Member Compares Reopening Schools Before Teachers Are Vaccinated To 'Slavery' And 'White Supremacist Ideology'](#)
- [Veteran Bronx educator claims she was fired after refusing 'Black Panther' salute](#)
- [New York Prep School Principal Sent Parents A Whiteness Meter, Including A 'White Traitor' Category, Reports Say](#)

- [A Gay Father Of Mixed-Race Children Was Too White For The San Francisco School Board](#)
- [San Francisco Board Of Education Votes To End Merit-Based Admissions At One Of The Country's Most Prestigious Public Schools](#)
- [Is it racist to expect black kids to do math for real?](#)
- [Gone Crazy](#)
- [Lawmakers in two states target teaching of critical race theory, 1619 Project](#)
- [The Miseducation of America's Elites](#)
- [Revenge of the Gods](#)
- [Beachwood OH, Board of Education Testimony](#)
- [Parent's standing up to CRT with FAIR](#)
- [CFER Slams UC Berkeley Chancellor for Promoting Unlawful Racial Quotas](#)
- [Florida Gov DeSantis will exclude critical race theory from curriculum](#)
- [In Aftermath Of Enemies List, School Committee Pledges To 'Silence The Opposition'](#)
- [I refuse to stand by while my students are indoctrinated](#)
- [Anti-Racism Is Becoming Troublingly Racist](#)
- [A Loudoun County Teacher Explains How Institutional Racism Is Devastating Public Schools](#)

### **CRT Discrimination against Asian Communities**

- [SFUSD Board Member Criticized for Racist Tweets](#)
- [Chinese-American Parents Condemn Critical Race Theory](#)
- [Asian Americans Against Critical Race Theory](#)
- [Lawsuit says new Thomas Jefferson HS admissions policy discriminates against Asian-Americans](#)
- [Parents sue to stop discriminatory admissions at top-ranked high school](#)
- [Thomas Jefferson High School students and parents are fighting changes to admissions standards. Here's why.](#)
- [Asian-Americans Under Attack?](#)
- [CACAGNY Denounces Critical Race Theory as Hateful Fraud](#)
- [Asian American students have a target on their backs thanks to critical race theory](#)
- [Biden rhetoric on anti-Asian racism undercut by his DOJ dropping Yale lawsuit, advocates say](#)
- [Asians want action against violence — not more rhetoric on racism](#)
- [White supremacy is NOT the root of all race-related violence](#)
- ['Asians Are Victims Of White Supremacy' Narrative Comes From Activists Pushing Policies Rejected By Many Asians](#)

### **Examples of CRT in Companies**

- [Coca-Cola Asks Its Workers to Be 'Less White' to Fight Racism](#)
- [Whistleblower at Smith College Resigns Over Racism](#)
- [Save America's Workers](#)
- [CRT in Medicine](#)
- [Racial Equity and College Admissions](#)

### **Organizations offering liberal approaches to social problems**

- [Counterweight](#)
- [FairForAll](#)
- [Academic Freedom Association](#)
- [FIRE](#)
- [School House Rights](#)

I hope this email was informative enough to help you get a better idea on CRT. I really hope that some steps are taken to prohibit CRTs methods in some form, since it is not appropriate to discriminate against someone based on their race/sex/etc or to impose a world view on to others against their freedom of conscious.

Thank you for time and have a great day,  
A Concerned Citizen from Ohio

**From:** sgoden@roadrunner.com  
**Sent:** Friday, May 7, 2021 9:03 AM  
**To:** Rep76  
**Subject:** Ban Critical Race Theory from Ohio's Public Schools

First Name: Steven  
Last Name: Goden  
Email: sgoden@roadrunner.com  
Phone: (216) 533-1839  
Address:  
14689 Clydesdale Trail  
Novelty, OH 44072

Subject: Ban Critical Race Theory from Ohio's Public Schools

Message: Diane -

I'm not certain if the Ohio legislature has taken action yet, and if not, we need to follow the lead of our Tennessee friends and pass legislation to ban critical race theory from being taught in our public schools.

The Tennessee law forbids state schools from teaching that the U.S. is a fundamentally racist nation, that a person is inherently privileged or oppressed because of their race, or that an entire race bears responsibility for past actions against people of another race. Critical race theory asserts, among other things, that U.S. institutions are racist by definition. The prohibition would be enforced by withholding funding from any school district that engages in critical race theory indoctrination.

Critical Race Theory teaches that American democracy is a lie. It is harmful to our students and antithetical to everything we stand for as Americans and Ohioans.

I urge you to act on initiating, supporting, and passing this important legislation.

Thank you for your consideration,

Steven Goden  
Novelty, OH



**From:** Rep76  
**Sent:** Friday, May 7, 2021 12:47 PM  
**To:** RequestLSC  
**Subject:** Grendell Bill Draft Request

Dawn—Rep. Grendell would like to have legislation drafted for Ohio based off of the following Arkansas bill:  
<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB627.pdf>

She would like the following changes/adjustments made to Ohio's version:

---

***Public and Charter Schools to be included in the required entities***

---

***If the Director of the Ohio Department of Education finds that any of the entities in the bill knowingly violates the prohibitions, then this bill requires the Ohio Department of Education to withhold state funds, in an amount determined by the ODE, from the entities listed in the bill until they provide evidence to the ODE that they are no longer in violation.***

---

***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:***

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with present 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 race, ethnicity, class, nationality, religion, or geographic region; or***
- (4) Historical documents that are permitted under present law, such as the national motto, the national anthem, the state and federal constitutions, state and federal laws, and supreme court decisions.***

---

Thanks for all of your help today!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**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

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](mailto:lisawoods@mcfan.org)



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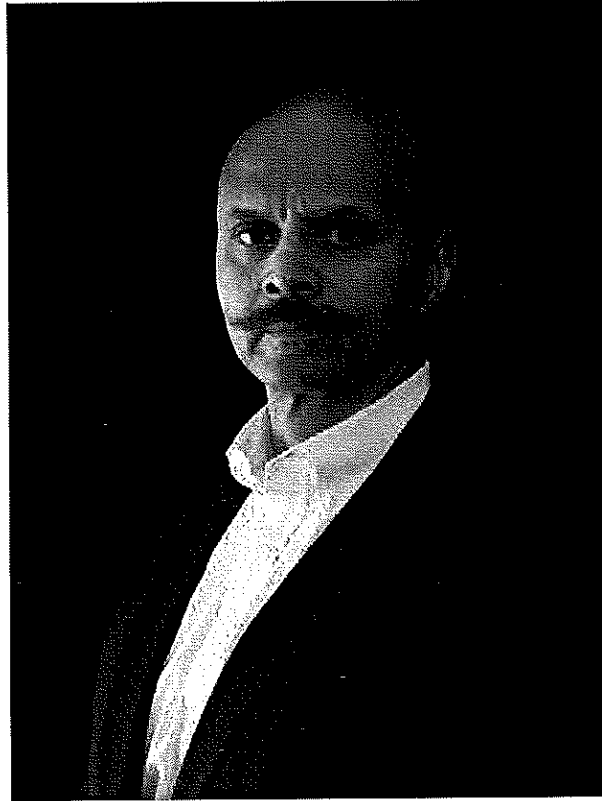
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*We in America do not have government by the majority.  
We have government by the majority who participate... Thomas Jefferson*

For info call Lisa at 330-241-5226 [lisawoods@mcfan.org](mailto:lisawoods@mcfan.org)





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](mailto:lisawoods@mcfan.org)

MCFAN, Medina County Friends and Neighbors

<https://www.facebook.com/MCFANmedina/>

330-241-5226

**From:** Rep76

**Sent:** Friday, May 7, 2021 3:39 PM

**To:** 'Diane\_Grendell.OHR.4407296145@fax2mail.com'

**Subject:**

**Attachments:** Draft Cosponsor Request - Medical Device Bill.docx; Draft Cosponsor Request - Teaching of Divisive Racial Concepts Based off Race or Sex.docx

Draft Cosponsor Request

Medical Device Discrimination Bill

5.7.21

Fellow Representatives,

I will be introducing legislation that seeks to prohibit discrimination in places of public accommodation because a person does not use a medical device or medical treatment.

It is imperative that our constituents have the freedom to choose their preference of medical care they want, or do not want, to receive. Protection from discrimination based on the premise of refusing medical care is just as important as the current protections codified in our law.

The United States of America has long held the standard of allowing its citizens the freedom of choice. Recent events have presented a concerning reality that Ohioans freedom of choice may be in jeopardy.

It is crucial that Ohioans who do not wish to receive medical treatment or use a medical device are not discriminated against in the public and private sector. Choices regarding any medical procedures must be left to the individuals who are directly affected. It is an egregious affront to personal liberty to mandate through government or employer that a medical treatment be conducted on those who object, or that a medical device be used.

Exemptions to medical treatment have historically been employed through religious grounds, personal grounds, or due to pre-existing health concerns. It is time to expand these exemptions to simply include those who do not wish to participate.

If you wish to cosponsor this legislation, please email my legislative aide Brandon at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov). The deadline to cosponsor this legislation is XX April XX at XX pm



Prohibit Teaching of Divisive Concepts Based off Race or Sex  
Draft Cosponsor Request  
5.7.21

Fellow Representatives,

I am drafting legislation that will prohibit our state education system and state entities from teaching or advocating divisive concepts based off of race or sex.

As Americans and Ohioans, it is imperative that we are viewed as individuals capable of uniqueness and self-choice. 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 are stripped of this uniqueness and viewed through the lens of a collective, a great injustice is committed and has the power to breed prejudice, generalizations, and resentment towards any individual deemed a member of the collective group. 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 their race or sex. Far worse, is the teaching of future generations of individuals that it is acceptable to practice this behavior.

My legislative proposal seeks to ensure that our state education system or state entities are prohibited from:

- Ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to individuals because of his or her race or sex
- Creating feelings of discomfort, guilt, anguish, or any other form of psychological distress in individuals on account of his or her race or sex;
- Assigning fault, blame, or bias to individuals because of their race or sex.
- Encompassing 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.
- Promoting 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.
- Requiring teachings or training in these topics as a prerequisite to employment or retaining of employment.

If you wish to cosponsor this legislation, please contact my legislative aide at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is XXX

**From:** Rep76  
**Sent:** Friday, May 7, 2021 4:26 PM  
**To:** 'sgoden@roadrunner.com'  
**Subject:** RE: Ban Critical Race Theory from Ohio's Public Schools

Steven,

Thank you for your email regarding critical race theory. I have reviewed Tennessee's proposal and have begun drafting similar legislation for our state. I will circulate it for co-sponsorship this coming week.

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

**From:** sgoden@roadrunner.com <sgoden@roadrunner.com>  
**Sent:** Friday, May 7, 2021 9:03 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Ban Critical Race Theory from Ohio's Public Schools

**First Name:** Steven  
**Last Name:** Goden  
**Email:** [sgoden@roadrunner.com](mailto:sgoden@roadrunner.com)  
**Phone:** (216) 533-1839  
**Address:**  
14689 Clydesdale Trail  
Novelty, OH 44072

**Subject:** Ban Critical Race Theory from Ohio's Public Schools

**Message:** Diane -

I'm not certain if the Ohio legislature has taken action yet, and if not, we need to follow the lead of our Tennessee friends and pass legislation to ban critical race theory from being taught in our public schools.

The Tennessee law forbids state schools from teaching that the U.S. is a fundamentally racist nation, that a person is inherently privileged or oppressed because of their race, or that an entire race bears responsibility for past actions against people of another race. Critical race theory asserts, among other things, that U.S. institutions are racist by definition. The prohibition would be enforced by withholding funding from any school district that engages in critical race theory indoctrination.

Critical Race Theory teaches that American democracy is a lie. It is harmful to our students and antithetical to everything we stand for as Americans and Ohioans.

I urge you to act on initiating, supporting, and passing this important legislation.

Thank you for your consideration,

Steven Goden  
Novelty, OH

**From:** sgoden@roadrunner.com  
**Sent:** Friday, May 7, 2021 10:09 PM  
**To:** Rep76  
**Subject:** RE: Ban Critical Race Theory from Ohio's Public Schools

Diane –

Thanks very much for your quick response and, more importantly, for moving this legislation forward. I understand that similar legislation is advancing in Texas and was recently signed into law by Idaho governor Brad Little.

It's comforting to know that your action will prevent this racist and harmful doctrine from being introduced into our schools.

Thanks again,

Steve Goden  
Novelty, OH

---

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Friday, May 7, 2021 4:26 PM  
**To:** 'sgoden@roadrunner.com' <sgoden@roadrunner.com>  
**Subject:** RE: Ban Critical Race Theory from Ohio's Public Schools

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State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

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**Sent:** Friday, May 7, 2021 9:03 AM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Ban Critical Race Theory from Ohio's Public Schools

First Name: Steven  
Last Name: Goden  
Email: [sgoden@roadrunner.com](mailto:sgoden@roadrunner.com)  
Phone: (216) 533-1839  
Address:  
14689 Clydesdale Trail

Novelty, OH 44072

Subject: Ban Critical Race Theory from Ohio's Public Schools

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Critical Race Theory teaches that American democracy is a lie. It is harmful to our students and antithetical to everything we stand for as Americans and Ohioans.

I urge you to act on initiating, supporting, and passing this important legislation.

Thank you for your consideration,

Steven Goden  
Novelty, OH

**From:** Rep76

**Sent:** Monday, May 10, 2021 9:51 AM

**To:** 'Diane\_Grendell.OHR.4407296145@fax2mail.com'

**Subject:**

**Attachments:** Draft Cosponsor Request - Teaching of Divisive Racial Concepts Based off Race or Sex.docx

## Prohibit Teaching of Divisive Concepts Based off Race or Sex

### Draft Cosponsor Request

5.10.21

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 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 proposal seeks to ensure that our state education system or state entities are prohibiting from teaching 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.
- 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 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 at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is XXX

**From:** Rep76

**Sent:** Monday, May 10, 2021 10:39 AM

**To:** 'Diane\_Grendell.OHR.4407296145@fax2mail.com'

**Subject:**

**Attachments:** Draft Cosponsor Request - Teaching of Divisive Racial Concepts Based off Race or Sex.docx



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Prohibit Teaching of Divisive Concepts Based off Race or Sex

Draft Cosponsor Request

5.10.21

- 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.

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 at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is XXX

**From:** mjpetti46@gmail.com  
**Sent:** Monday, May 10, 2021 11:29 AM  
**To:** Rep76  
**Subject:** Education

First Name: Michael  
Last Name: Petti  
Email: mjpetti46@gmail.com  
Address:  
226 South Park Dr.  
Aurora, OH 44202

Subject: Education

Message: It is imperative that we in Ohio move to BAN the teaching of Critical Race Theory and/or the 1619 project, or what ever other names they try to call it like inclusiveness training, from our schools. Several states have already done this and it must be done in Ohio also. This is nothing but rebranded Marxism and it must be stopped.

Thank you for reading your mail.

**From:** Rep76

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

**To:** House\_All

**BCC:** 'jackw@wmfd.com'; 'tomz@wethepeopleconvention.org'

**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, 76<sup>th</sup> 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;
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- Assigning fault, blame, or bias to individuals because of their race, color, nationality, or sex.
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- 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** mjpetti46@gmail.com  
**Sent:** Monday, May 10, 2021 11:31 AM  
**To:** Rep76  
**Subject:** Education

First Name: Deborah  
Last Name: Petti  
Email: mjpetti46@gmail.com  
Phone: (330) 562-9452  
Address:  
226 South park Dr.  
Aurora, OH 44202

Subject: Education

Message: It is imperative that we in Ohio move to BAN the teaching of Critical Race Theory and/or the 1619 project, or what ever other names they try to call it like inclusiveness training, from our schools. Several states have already done this and it must be done in Ohio also. This is nothing but rebranded Marxism and it must be stopped.

Thank you for reading your mail.

**From:** Click, Gary

**Sent:** Monday, May 10, 2021 12:39 PM

**To:** Rep76

**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'm in.

Gary

Sent from my Verizon, Samsung Galaxy smartphone  
Get [Outlook for Android](#)

---

**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, 76<sup>th</sup> 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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The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Holmes, Adam

**Sent:** Monday, May 10, 2021 12:43 PM

**To:** Rep76

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

Hello Rep Grendell

Great bill; please make me a co-sponsor!

Sincerely,

Rep Adam Holmes

Sent from my iPhone

On May 10, 2021, at 11:31, Rep76 <Rep76@ohiohouse.gov> wrote:

<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> 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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The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,

<image002.png>

**From:** Rep76

**Sent:** Monday, May 10, 2021 12:45 PM

**To:** Click, Gary

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

Representative Click—you've been added as a cosponsor to the legislation. Representative Grendell appreciates your support!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



---

**From:** Click, Gary <Gary.Click@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 12:39 PM

**To:** Rep76 <Rep76@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'm in.

Gary

Sent from my Verizon, Samsung Galaxy smartphone  
[Get Outlook for Android](#)

---

**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

Ohio House of Representatives



State Representative Diane V. Grendell, 76<sup>th</sup> 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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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Monday, May 10, 2021 12:46 PM

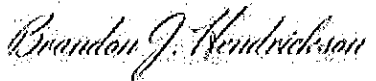
**To:** Holmes, Adam

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

Representative Holmes—you have been added as a cosponsor to the legislation. Representative Grendell appreciates the support!

-Brandon

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



---

**From:** Holmes, Adam <Adam.Holmes@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 12:43 PM

**To:** Rep76 <Rep76@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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Sincerely,

Rep Adam Holmes

Sent from my iPhone

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<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> 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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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:

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- 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](mailto:Rep76@ohiohouse.gov).

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



Sincerely,

<image002.png>

**From:** Stoltzfus, Reggie

**Sent:** Monday, May 10, 2021 12:50 PM

**To:** Rep76; Coyle, Nick

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

Please add my name.

-Reggie Stoltzfus

On May 10, 2021, at 11:31 AM, Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> House District**

### **MEMORANDUM**

**To: All Members of the Ohio House of Representatives**

**From: Representative Diane V. Grendell**

**Date: May 10, 2021**

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<image002.png>

**From:** Rep76

**Sent:** Monday, May 10, 2021 12:53 PM

**To:** Stoltzfus, Reggie; Coyle, Nick

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

Representative Stoltzfus,

You have been added as a cosponsor to the legislation, Representative Grendell appreciates the support.

-Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

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**From:** Stoltzfus, Reggie <Reggie.Stoltzfus@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 12:50 PM

**To:** Rep76 <Rep76@ohiohouse.gov>; Coyle, Nick <Nick.Coyle@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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-Reggie Stoltzfus

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**Date:** May 10, 2021

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<image002.png>



**From:** Gross, Jennifer  
**Sent:** Monday, May 10, 2021 1:06 PM  
**To:** Rep76  
**CC:** Keyes, Matt; 'vasiliades.jessica@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

Please add me as a co-sponsor.

Thanks,  
Rep G

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**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> House District**

**MEMORANDUM**

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**Diane V. Grendell**  
State Representative  
Ohio House District 76



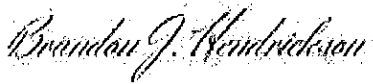
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**Sent:** Monday, May 10, 2021 1:22 PM  
**To:** Gross, Jennifer  
**CC:** Keyes, Matt; 'vasiliades.jessica@ohiohouse.gov'  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Rep. Gross—you've been added as a cosponsor to this legislation.

Thanks for the support!

-Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

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**Sent:** Monday, May 10, 2021 1:06 PM  
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**Cc:** Keyes, Matt <Matt.Keyes@ohiohouse.gov>; 'vasiliades.jessica@ohiohouse.gov' <vasiliades.jessica@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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Thanks,  
Rep G

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**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> House District**

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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** del Guidice, Naomi

**Sent:** Monday, May 10, 2021 1:39 PM

**To:** Rep76

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

Good afternoon, Brandon.

Rep. Vitale requests to be added to your list of co-sponsors for this legislation.

Hope you have a blessed day!!

Best,

*Naomi del Guidice*

Legislative Aide to State Representative Nino Vitale  
Ohio House District 85  
77 South High Street, 12th Floor  
Columbus, OH 43215  
(614) 466-1507

---

**From:** Rep76 <Rep76@ohiohouse.gov>

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



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Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Monday, May 10, 2021 1:43 PM

**To:** del Guidice, Naomi

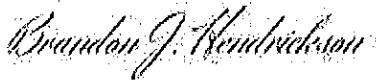
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Naomi—great to hear from you and hope things are well.

I've added Rep. Vitale to both bills; please thank him for the support and have a blessed day as well.

-Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76



**From:** Gross, Jennifer

**Sent:** Monday, May 10, 2021 2:16 PM

**To:** Rep76

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

Would she let me joint sponsor with her?

On May 10, 2021 13:22, Rep76 <Rep76@ohiohouse.gov> wrote:  
Rep. Gross—you've been added as a cosponsor to this legislation.

Thanks for the support!

-Brandon

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



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# Ohio House of Representatives



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## MEMORANDUM

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- 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Monday, May 10, 2021 3:27 PM

**To:** 'wrwlministries@gmail.com'

**Subject:** Bill Prohibiting Teaching of Divisive Concepts Regarding Race, Color, Nationality, or Sex

Pastor Sanders,

Please see the below copied information on a bill I am introducing.

Sincerely,

Diane Grendell

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;
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- 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.

**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

Get [Outlook for Android](#)

---

**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, 76<sup>th</sup> 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.

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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](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> 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; 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 76<sup>th</sup> 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

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

**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, 76<sup>th</sup> 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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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](mailto:Rep76@ohiohouse.gov).



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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Rep76

**Sent:** Monday, May 10, 2021 4:37 PM

**To:** Gross, Jennifer

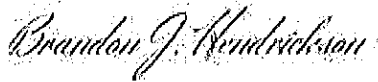
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Representative Gross—thank you for your question. Rep. Grendell is currently in discussions with another Representative regarding a joint sponsorship. I will let you know if she indicates otherwise.

Thanks again and take care,

Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Gross, Jennifer <Jennifer.Gross@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 2:16 PM

**To:** Rep76 <Rep76@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

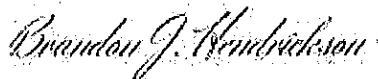
Would she let me joint sponsor with her?

On May 10, 2021 13:22, Rep76 <Rep76@ohiohouse.gov> wrote:  
Rep. Gross—you've been added as a cosponsor to this legislation.

Thanks for the support!

-Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Gross, Jennifer <Jennifer.Gross@ohiohouse.gov>  
**Sent:** Monday, May 10, 2021 1:06 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Cc:** Keyes, Matt <Matt.Keyes@ohiohouse.gov>; 'vasiliades.jessica@ohiohouse.gov' <vasiliades.jessica@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

Please add me as a co-sponsor.

Thanks,  
Rep G

**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Rep76  
**Sent:** Monday, May 10, 2021 4:43 PM  
**To:** 'mjpetti46@gmail.com'  
**Subject:** RE: Education

Deborah and Michael,

Thank you for your email requesting critical race theory be banned from our state education system. I am currently drafting legislation that will prohibit our schools and teachers from teaching or advocating divisive concepts based on race, color, nationality, or sex, such as the controversial critical race theory.

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 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.

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

**From:** mjpetti46@gmail.com <mjpetti46@gmail.com>  
**Sent:** Monday, May 10, 2021 11:31 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Education

First Name: Deborah  
Last Name: Petti  
Email: [mjpetti46@gmail.com](mailto:mjpetti46@gmail.com)  
Phone: (330) 562-9452  
Address:  
226 South park Dr.

Aurora, OH 44202

Subject: Education

Message: It is imperative that we in Ohio move to BAN the teaching of Critical Race Theory and/or the 1619 project, or what ever other names they try to call it like inclusiveness training, from our schools. Several states have already done this and it must be done in Ohio also. This is nothing but rebranded Marxism and it must be stopped.

Thank you for reading your mail.

**From:** Lisaludwig68@mac.com  
**Sent:** Tuesday, May 11, 2021 10:02 AM  
**To:** Rep76  
**Subject:** Bill to limit what is taught in schools

First Name: Lisa  
Last Name: Borkowski M.D.  
Email: Lisaludwig68@mac.com  
Phone: (614) 315-0444  
Address:  
6910 MacNeil  
Dublin, OH 43017

Subject: Bill to limit what is taught in schools

Message: I am writing in opposition to any bill which would limit a teachers ability to accurately teach historical facts. We cannot re-write history to make it more acceptable to white people in this country. I have 2 high school kids who deserve to be taught history based on facts not "whitewashed" history. What some consider divisive actually divides us more  
Please contact me if you wish to discuss this further. I would welcome the conversation

**From:** Rep76

**Sent:** Tuesday, May 11, 2021 10:44 AM

**To:** 'MPeebles@salemcleland.com'

**Subject:** State Representative Diane Grendell Bill Information - Bill to Prohibit Teaching Divisive Concepts based on Race, Color, Nationality, or Sex

Marcie,

Good morning and I hope you are well. I would like to share information on a bill that I am working on with Mr. Frantz. I would appreciate if you could share this information with him:

---

*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:*

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Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Tuesday, May 11, 2021 10:44 AM

**To:** 'MPeebles@salemcleland.com'

**Subject:** State Representative Diane Grendell Bill Information - Bill to Prohibit Teaching Divisive Concepts based on Race, Color, Nationality, or Sex

Marcie,

Good morning and I hope you are well. I would like to share information on a bill that I am working on with Mr. Frantz. I would appreciate if you could share this information with him:

---

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Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Tuesday, May 11, 2021 10:44 AM

**To:** 'MPeebles@salemcleland.com'

**Subject:** State Representative Diane Grendell Bill Information - Bill to Prohibit Teaching Divisive Concepts based on Race, Color, Nationality, or Sex

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Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Margaret Camma

**Sent:** Tuesday, May 11, 2021 10:49 AM

**To:** Rep76

**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. Riedel will co-sponsor.

**Margaret Camma**

*Legislative Aide to State Representative Craig S. Riedel*

*House District 82*

*Office Phone: 614-644-5091*

*Office email: rep82@ohiohouse.gov*

---

**From:** Rep76 <Rep76@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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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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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
State Representative  
Ohio House District 76

**From:** Margaret Camma

**Sent:** Tuesday, May 11, 2021 10:49 AM

**To:** Rep76

**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. Riedel will co-sponsor.

**Margaret Camma**

*Legislative Aide to State Representative Craig S. Riedel*

*House District 82*

*Office Phone: 614-644-5091*

*Office email: rep82@ohiohouse.gov*

---

**From:** Rep76 <Rep76@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

**Sent:** Tuesday, May 11, 2021 11:00 AM

**To:** Margaret Camma

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

Thanks Margaret, he has been added. Please thank him for the support!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

---

**From:** Margaret Camma <Margaret.Camma@ohiohouse.gov>

**Sent:** Tuesday, May 11, 2021 10:49 AM

**To:** Rep76 <Rep76@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

Rep. Riedel will co-sponsor.

**Margaret Camma**

*Legislative Aide to State Representative Craig S. Riedel*

*House District 82*

*Office Phone: 614-644-5091*

*Office email: rep82@ohiohouse.gov*

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**From:** Rep76 <Rep76@ohiohouse.gov>

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

The official seal of the Ohio House of Representatives, featuring a sun rising over a landscape with a river and hills, surrounded by the text "THE OHIO HOUSE OF REPRESENTATIVES".

**State Representative Diane V. Grendell, 76<sup>th</sup> House District**

**MEMORANDUM**

**To: All Members of the Ohio House of Representatives**  
**From: Representative Diane V. Grendell**  
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Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Weber, Ben

**Sent:** Tuesday, May 11, 2021 11:07 AM

**To:** Rep76

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

Please add Rep. Kris Jordan as a co-sponsor.

Thanks,

**Ben Weber**

Legislative Fellow

**State Representative Kris Jordan**

Ohio House of Representatives

67<sup>th</sup> House District

(614) 644-6711

---

**From:** Rep76 <Rep76@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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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Fellow Representatives,

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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Rep76  
**Sent:** Tuesday, May 11, 2021 11:59 AM  
**To:** Weber, Ben  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Ben—he has also been added as a cosponsor to this bill. Please thank him for the support!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Weber, Ben <Ben.Weber@ohiohouse.gov>  
**Sent:** Tuesday, May 11, 2021 11:07 AM  
**To:** Rep76 <Rep76@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

Please add Rep. Kris Jordan as a co-sponsor.

Thanks,

**Ben Weber**

Legislative Fellow  
State Representative Kris Jordan  
Ohio House of Representatives  
67<sup>th</sup> House District  
(614) 644-6711

---

**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Brett, Kristen

**Sent:** Tuesday, May 11, 2021 12:46 PM

**To:** Rep76

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

Please add rep zeltwanger.

Kristen

Sent from my iPhone

On May 10, 2021, at 12:04 PM, pzeltwanger@gmail.com wrote:

Yes I will cosponsor. Thanks PZ

---

**From:** Kristen.Brett@ohiohouse.gov <Kristen.Brett@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 11:54 AM

**To:** 'pzeltwanger@gmail.com' <pzeltwanger@gmail.com>

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

---

**From:** Rep76 <Rep76@ohiohouse.gov>

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

<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> 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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The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,

<image002.png>

**From:** Jfarrow76@gmail.com  
**Sent:** Wednesday, May 12, 2021 6:52 AM  
**To:** Rep76  
**Subject:** Your proposed bill on education prohibiting race education

First Name: Jeremy  
Last Name: Farrow  
Email: Jfarrow76@gmail.com  
Phone: (216) 406-6480  
Address:  
12477 heath rd  
CHESTERLAND, OH 44026

Subject: Your proposed bill on education prohibiting race education

Message: Good morning , I completely disagree with your proposed bill . I am horrified you would even imagine introducing it much less actually present it . I thought the Republican or tea party whatever you identify as was for limited government ? Now your censoring education , free thought and intelligence ? If someone feels guilty for making others feel badly because of race , color., gender , or orientation ... good they probably deserve it . I do not want this bill representing me in any way .I expect a response that my message was received .

Mr. Farrow

**From:** deedee43545@yahoo.com  
**Sent:** Wednesday, May 12, 2021 7:22 AM  
**To:** Rep76  
**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:** Everhart, Cortland

**Sent:** Wednesday, May 12, 2021 7:51 AM

**To:** Rep76

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

Please add Rep. Cross.

---

**From:** Rep76 <Rep76@ohiohouse.gov>

**Sent:** Monday, May 10, 2021 11:31 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, 76<sup>th</sup> 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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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76  
**Sent:** Wednesday, May 12, 2021 8:32 AM  
**To:** Everhart, Cortland  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Thanks Cort—he's been added.

Please thank him for the support.

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Everhart, Cortland <Cortland.Everhart@ohiohouse.gov>  
**Sent:** Wednesday, May 12, 2021 7:51 AM  
**To:** Rep76 <Rep76@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

Please add Rep. Cross.

**From:** Rep76 <Rep76@ohiohouse.gov>  
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**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, 76<sup>th</sup> House District

MEMORANDUM

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**Date:** May 10, 2021



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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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** audiographics.kd@gmail.com  
**Sent:** Wednesday, May 12, 2021 8:40 AM  
**To:** Rep76  
**Subject:** Divisive Concepts Bill

First Name: Ken  
Last Name: Dardis  
Email: audiographics.kd@gmail.com  
Phone: (440) 564-7437  
Address:  
15935 Thomas St  
Newbury, OH 44065

Subject: Divisive Concepts Bill

Message: First Cheney, and now your Divisive Concepts bill? Is the Republican goal to do away with truth? Why are you so afraid?

How are we going to teach children about American Indian genocide? Or the racial strife we both saw in the 1960s - or today's full-tilt racial hatred from many in Geauga County?

Your strategy appears to just sweep history under the rug like a Donald Trump lie.

Really? Which is more fear driven: a cry that the election was stolen or ignoring Christian Right Wing propaganda proving they do not love thy neighbor?

Ken Dardis

**From:** Rep76  
**Sent:** Wednesday, May 12, 2021 8:47 AM  
**To:** 'fcialella@aol.com'  
**Subject:** Information on Rep. Grendell's Legislation

Carol,

Thank you for taking my call this morning. Representative Grendell wanted to send this information on a bill she is working on. I have copied the information below.

Best,

Brandon  
Legislative Aide  
State Representative Diane Grendell

---

*I am drafting legislation that will prohibit our stote 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.*

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

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- *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 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*

**From:** eeickhoff34@gmail.com  
**Sent:** Wednesday, May 12, 2021 9:03 AM  
**To:** Rep76  
**Subject:** Upset Constituent

First Name: Eric  
Last Name: Eickhoff  
Email: eeickhoff34@gmail.com  
Phone: (216) 346-3420  
Address:  
123 Countryside Dr.  
Chagrin Falls, OH 44022

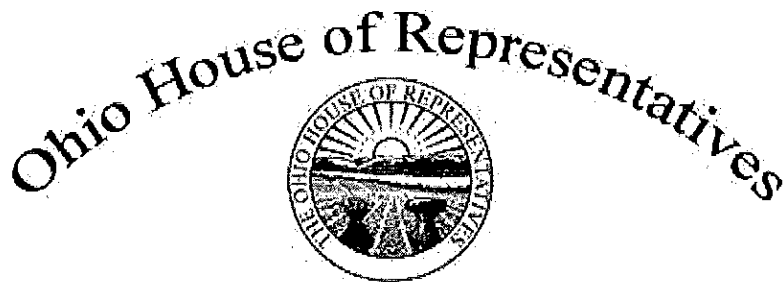
Subject: Upset Constituent

Message: I have tried multiple times to reach a staff member with Rep. Grendell's staff and no one has ever given me a call back. It is amazing that prior to the election, I would get a call back immediately, now all I get is crickets. I have a number of issues that I would like to discuss with Rep. Grendell, including her most recent bill on critical race theory teaching.

Thank you for your time. I would like a response before the end of the week as I have tried at least 6 times to talk with someone over the last couple months.

Eric

**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

---

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 24<sup>th</sup> at 9am** in the Majority Conference Room on the 15<sup>th</sup> 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:** Hendrickson, Brandon  
**Sent:** Wednesday, May 26, 2021 11:31 AM  
**To:** 'aaron.riggins@ohiosenate.gov'  
**Subject:** Rep. Grendell/Fowler Arthur CRT Bill

Aaron—I wanted to follow up from our conversation regarding Rep. Grendell's CRT bill. Rep. Sarah Fowler Arthur has been added as a joint sponsor, and will be utilizing her background in education to strengthen our efforts.

The bill was enrolled and given a number; it is House Bill 327. We have great cosponsors, including Speaker Pro Tempore Tim Ginter and Assistant Majority Whip Cindy Abrams. Copied is a link to the bill's page:  
<https://ohiohouse.gov/legislation/134/hb327>

The list of cosponsors is:

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
34. Rep. Sarah Carruthers
35. Rep. Marilyn John

If you could share this with Senator Brenner, we would appreciate it greatly. Representatives Grendell and Fowler Arthur would still like to work with Senator Brenner to move this bill through the Ohio Senate.

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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





**From:** Hendrickson, Brandon  
**Sent:** Wednesday, May 26, 2021 12:41 PM  
**To:** 'jstover1'  
**Subject:** Rep. Grendell CRT Bill

John—Rep. Grendell wanted to make sure you have a copy of the bill; it has been introduced and received a numbering.

<https://ohiohouse.gov/legislation/134/hb327>

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
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-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
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State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** jstover1@aol.com  
**Sent:** Wednesday, May 26, 2021 1:01 PM  
**To:** Hendrickson, Brandon  
**Subject:** Re: Rep. Grendell CRT Bill

Thank you Brandon.

I'll call you after this Zoom meeting.

John

-----Original Message-----

From: Brandon.Hendrickson@ohiohouse.gov <Brandon.Hendrickson@ohiohouse.gov>  
To: 'jstover1' <jstover1@aol.com>  
Sent: Wed, May 26, 2021 12:41 pm  
Subject: Rep. Grendell CRT Bill

John—Rep. Grendell wanted to make sure you have a copy of the bill; it has been introduced and received a numbering.

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Best,

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*Brandon J. Hendrickson*  
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**Sent:** Wednesday, May 26, 2021 1:01 PM  
**To:** Hendrickson, Brandon  
**Subject:** Re: Rep. Grendell CRT Bill

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John

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**To:** 'jstover1' <jstover1@aol.com>  
**Sent:** Wed, May 26, 2021 12:41 pm  
**Subject:** Rep. Grendell CRT Bill

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<https://ohiohouse.gov/legislation/134/hb327>

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
<http://www.ohiohouse.gov/diane-grendell>

**From:** jstover1@aol.com  
**Sent:** Thursday, June 17, 2021 8:47 AM  
**To:** Hendrickson, Brandon  
**Subject:** Re: Rep. Grendell CRT Bill

Hello Brandon,

The below was sent to Rep. Wiggim today. Please share with Rep. Grendell.

Rep. Wiggim,

I contacted your office yesterday regarding H.B. 327. Our organization is in complete support of this proposed legislation. I have had three conference calls with Rep. Grendell over the past three weeks. I would propose the following regarding future hearings and testimony:

Opponent testimony should precede Proponent testimony held on separate days.

Based upon what our organization has received from parents across the state, I would conclude there will be numerous parents interested in testifying before your committee. <https://protectohiochildren.net/sitemap/>

Also, there are experts in this area which will testify. Peter Kirsanow has indicated his desire to provide expert testimony. <https://thefederalist.com/2021/03/25/critical-race-theory-is-not-a-single-lesson-or-training-but-a-way-of-life/>

I will be out of town until 6/28/2021. If at all possible, I would plan to provide testimony if proponent testimony can be scheduled after this date.

Thank you for your consideration.

John Stover, President  
Ohio Value Voters  
<https://ohiovaluevoters.org/>

-----Original Message-----

From: jstover1@aol.com  
To: Brandon.Hendrickson@ohiohouse.gov <Brandon.Hendrickson@ohiohouse.gov>  
Sent: Wed, May 26, 2021 1:01 pm  
Subject: Re: Rep. Grendell CRT Bill

Thank you Brandon.

I'll call you after this Zoom meeting.

John

-----Original Message-----

From: Brandon.Hendrickson@ohiohouse.gov <Brandon.Hendrickson@ohiohouse.gov>  
To: 'jstover1' <jstover1@aol.com>  
Sent: Wed, May 26, 2021 12:41 pm  
Subject: Rep. Grendell CRT Bill

John—Rep. Grendell wanted to make sure you have a copy of the bill; it has been introduced and received a numbering.

<https://ohiohouse.gov/legislation/134/hb327>

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**From:** jstover1@aol.com  
**Sent:** Thursday, June 17, 2021 8:49 AM  
**To:** Hendrickson, Brandon  
**Subject:** Re: Rep. Grendell CRT Bill

Please note: It was sent to Rep. Wiggam, not Wiggim. Correction was made prior to sending to the Rep.

-----Original Message-----

From: jstover1@aol.com  
To: Brandon.Hendrickson@ohiohouse.gov <Brandon.Hendrickson@ohiohouse.gov>  
Sent: Thu, Jun 17, 2021 8:46 am  
Subject: Re: Rep. Grendell CRT Bill

Hello Brandon,

The below was sent to Rep. Wiggim today. Please share with Rep. Grendell.

Rep. Wiggim,

I contacted your office yesterday regarding H.B. 327. Our organization is in complete support of this proposed legislation. I have had three conference calls with Rep. Grendell over the past three weeks. I would propose the following regarding future hearings and testimony:

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Ohio Value Voters  
<https://ohiovaluevoters.org/>

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Sent: Wed, May 26, 2021 1:01 pm  
Subject: Re: Rep. Grendell CRT Bill

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I'll call you after this Zoom meeting.

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To: 'jstover1' <jstover1@aol.com>

Sent: Wed, May 26, 2021 12:41 pm  
Subject: Rep. Grendell CRT Bill

John—Rep. Grendell wanted to make sure you have a copy of the bill; it has been introduced and received a numbering.

<https://ohiohouse.gov/legislation/134/hb327>

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
**<http://www.ohiohouse.gov/diane-grendell>**



**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, 76<sup>th</sup> 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;
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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;
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- 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**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, 76<sup>th</sup> 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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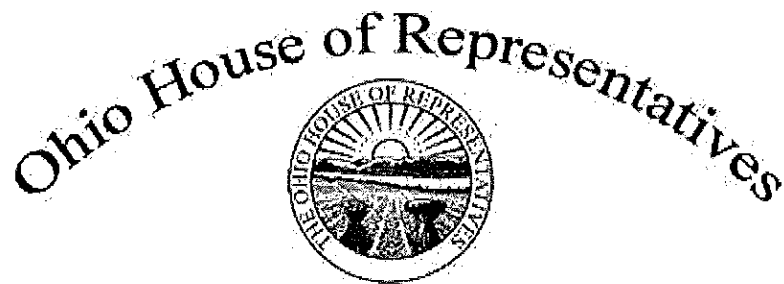
The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,



Diane V. Grendell  
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 19<sup>th</sup> at 9am in the Majority Conference Room on the 15<sup>th</sup> 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 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://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

200 East Sharon Road  
 Glendale, OH 45246  
 513-382-9869

Jenny.Kilgore@education.ohio.gov  
 sboc.ohio.gov



**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 Medicine 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:** 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 14<sup>th</sup>, 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.

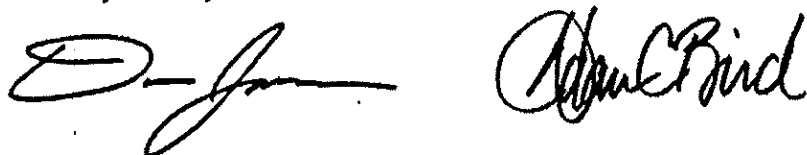
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

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](mailto:AJ.Thomas@ohiohouse.gov) or Adam Headlee at [Adam.Headlee@ohiohouse.gov](mailto:Adam.Headlee@ohiohouse.gov) or 614-644-6034.

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

Thank you for your consideration,

The image shows two handwritten signatures in black ink. The signature on the left is a stylized, cursive signature that appears to be 'AJ Thomas'. The signature on the right is also in cursive and appears to be 'Adam Headlee'.



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  
**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 14<sup>th</sup>, 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.

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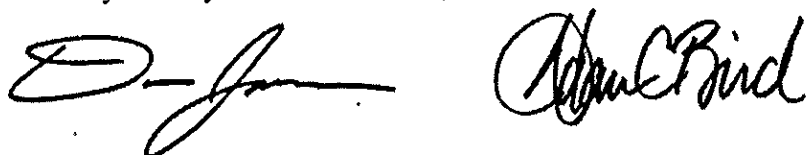
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**The deadline for co-sponsoring this legislation is Wednesday, May 19<sup>th</sup> at 5:00pm.**

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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> 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 Strope

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](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

**Lisa Woods**

[elwoods@eaglefiremail.com](mailto:elwoods@eaglefiremail.com)

330-410-6733 (text or call)

# Outline

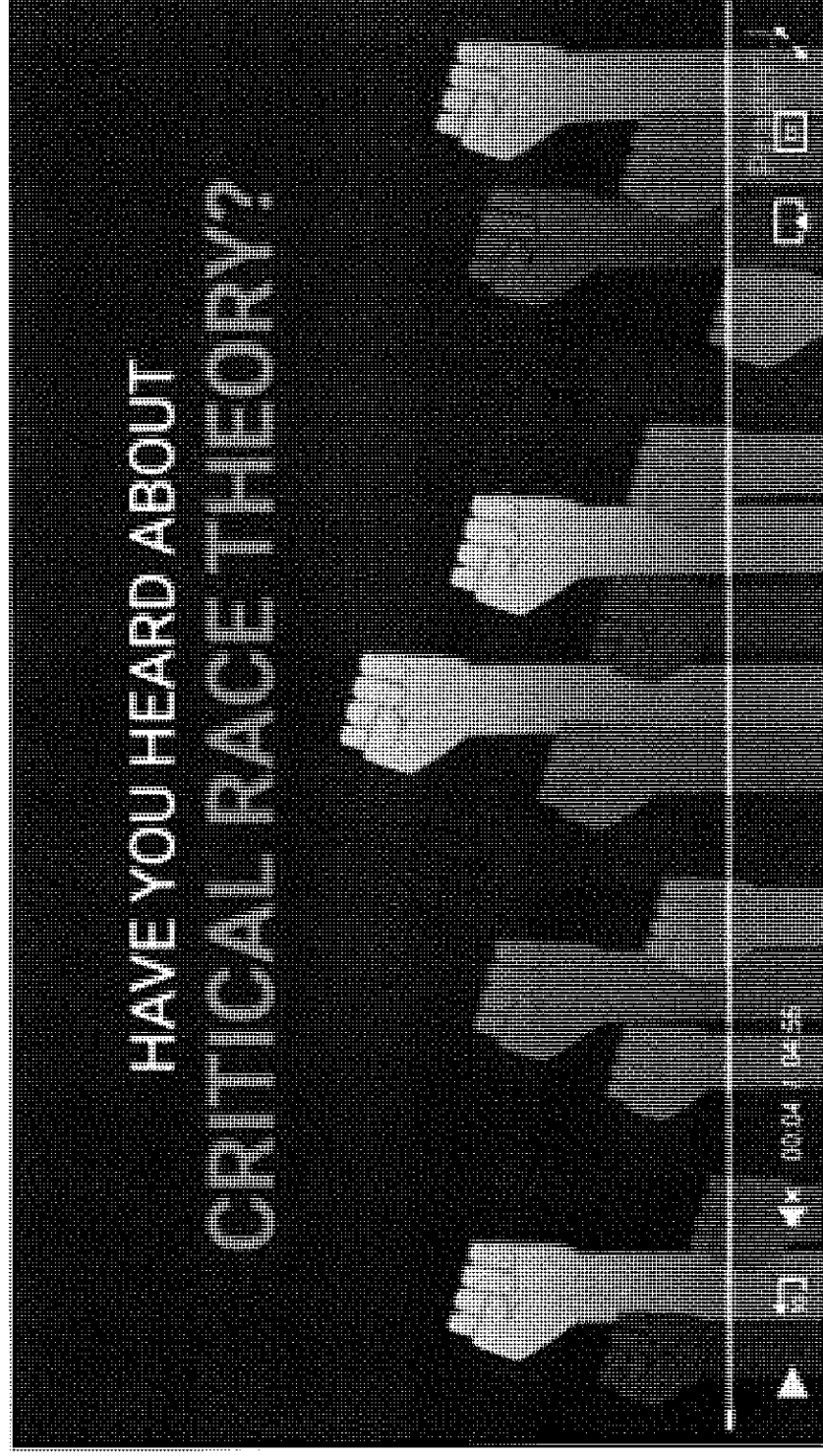
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

# 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

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# 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](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 learning, 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**

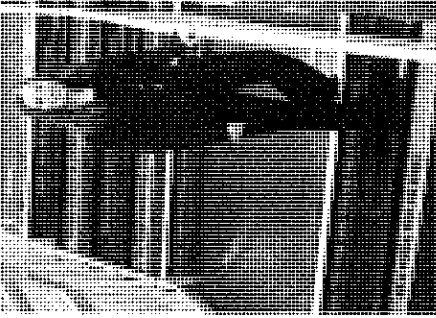
**Krista S. Kana**, Akron Beacon Journal  
Published 10:41 AM EDT Apr 28, 2021

View Comments

Growing up in Stow, Kim Yoak loved playing with Triakentons, 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

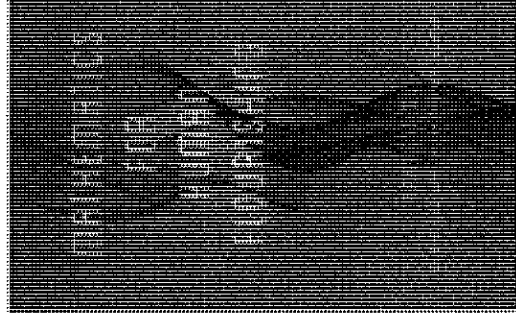


At some point in the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students develop confidence in their mathematical abilities.

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

# 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*





# 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

Member Type

Yes

No

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

Elected

Antoinette Miranda

Abstain

Elected

Nick Owens

Jenny Kilgore

Elected

Appointed

Erik Poklar

1

Appointed

Mike Toal

Appointed

Reggie Wilkinson

12



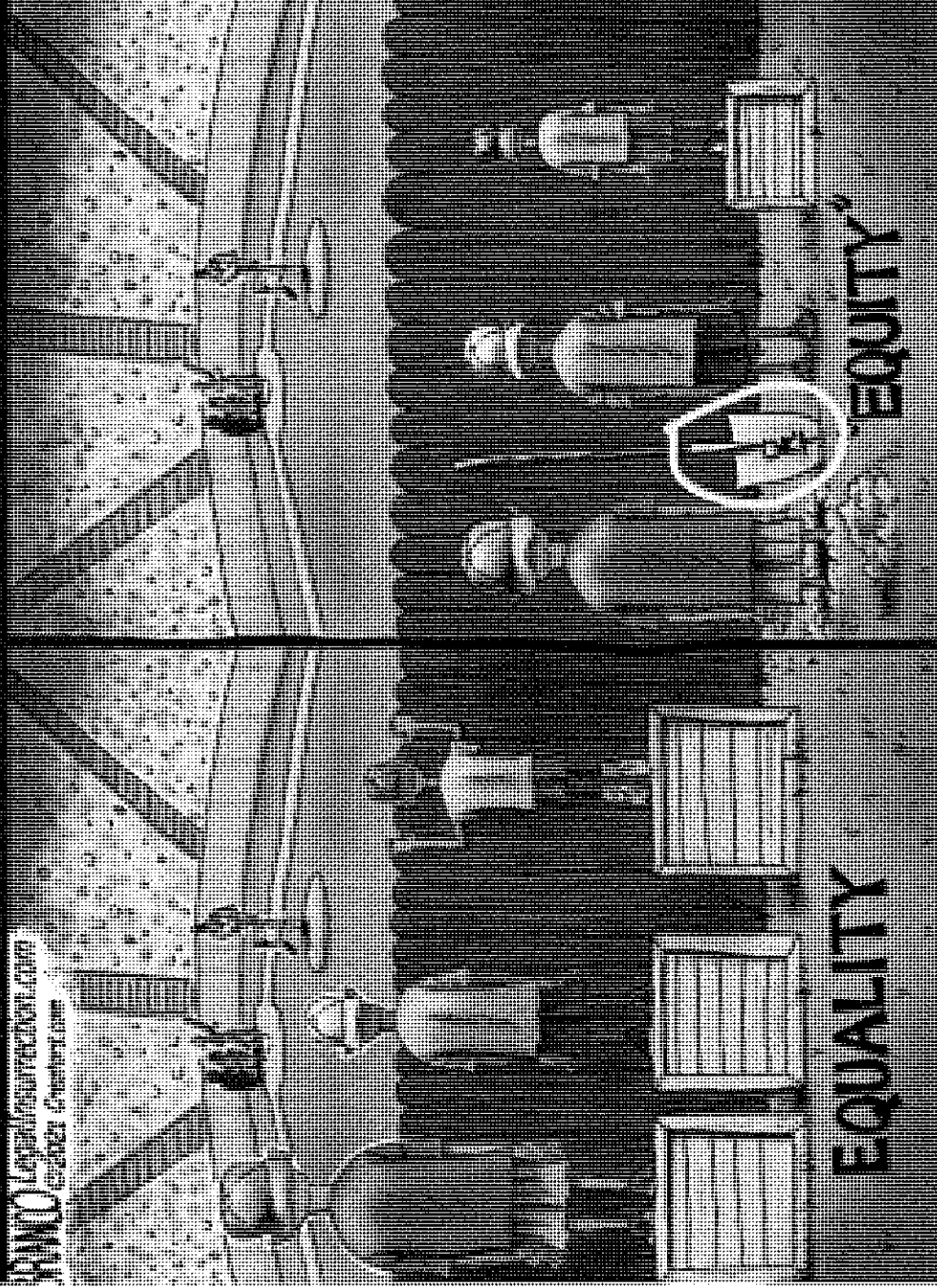
# What is in Kohler's Racist Equity Resolution?

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-1vTkmrhfhYUfCcTbp3NoDmxKZUAN7xMiVuhqIINBzKz-lh7yPPqIPFgYzmd5NgKtEdpVugB6GoZwPWR/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=SACNA10dVA> Part 2 [https://www.youtube.com/watch?v=Ld7\\_g-89FFA](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=IwAR10OeHlfeVvNjnb8vyFTuuwwqV-CuC1\\_nXpKgu2KvgydmYUM9ommmFo-55l](https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHlfeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydmYUM9ommmFo-55l)

# Teacher Pipeline

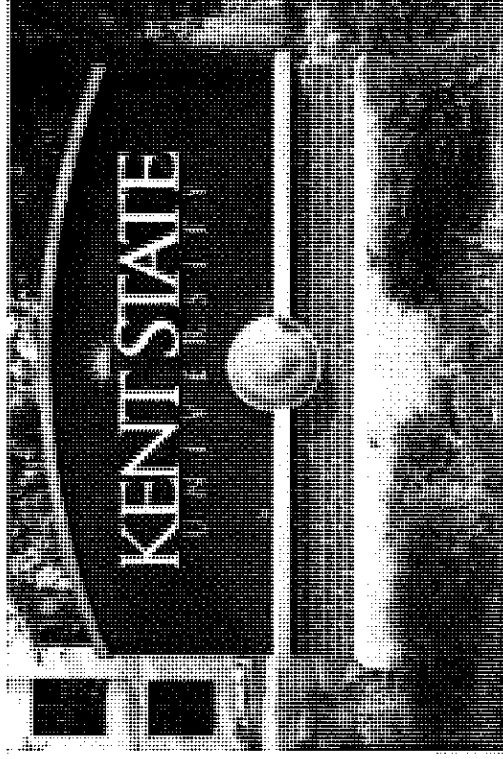
## THE COLLEGE FIX

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



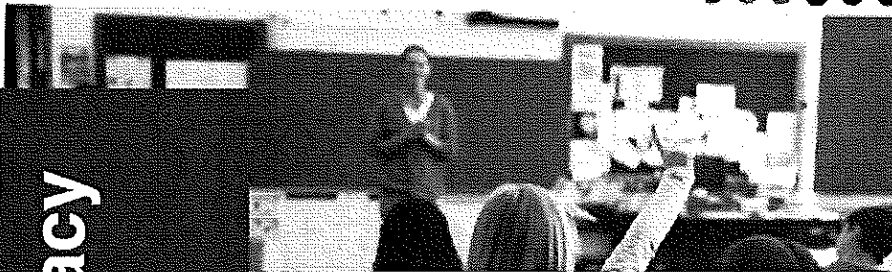
Source: <https://legalinsurrection.com/2021/03/kent-state-university-establishes-anti-racism-and-equity-institute/>

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/>

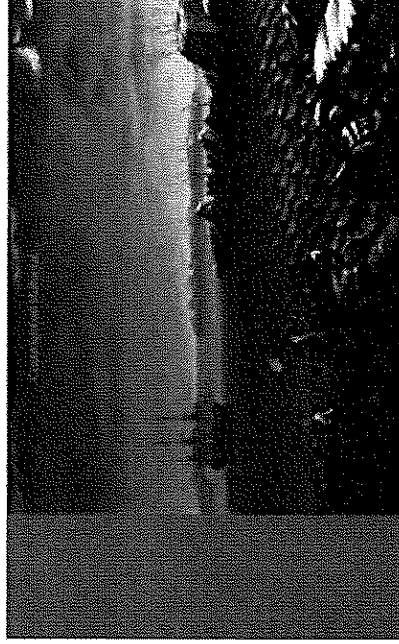
**October testimony to OBE:** <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

**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*

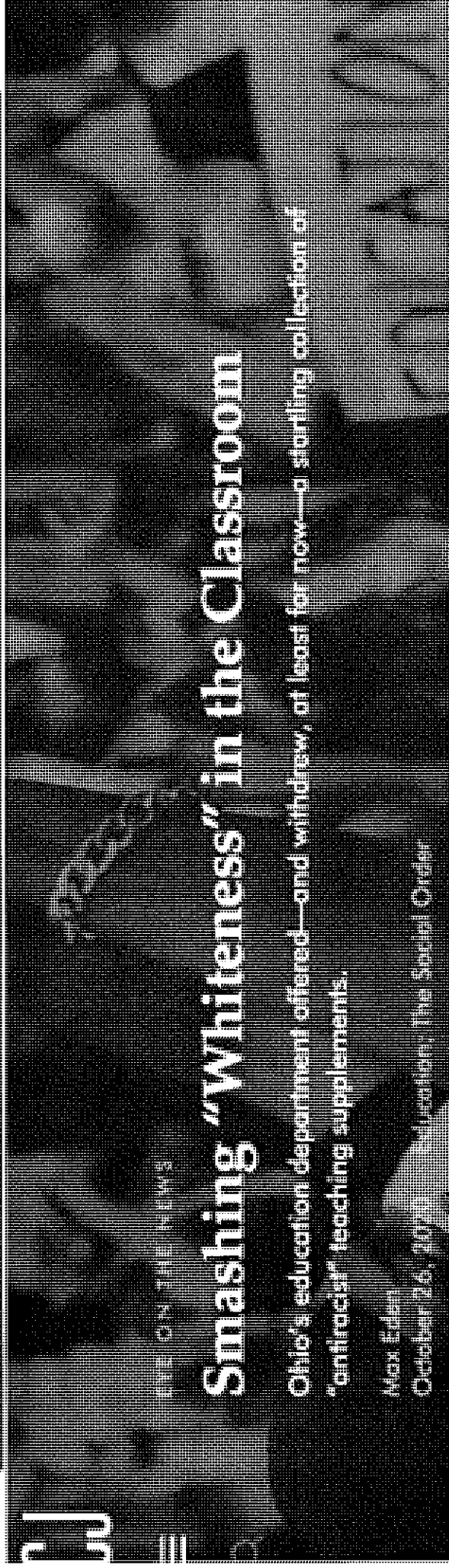
**PETER W. WOOD**

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



FILE 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, 2020 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**



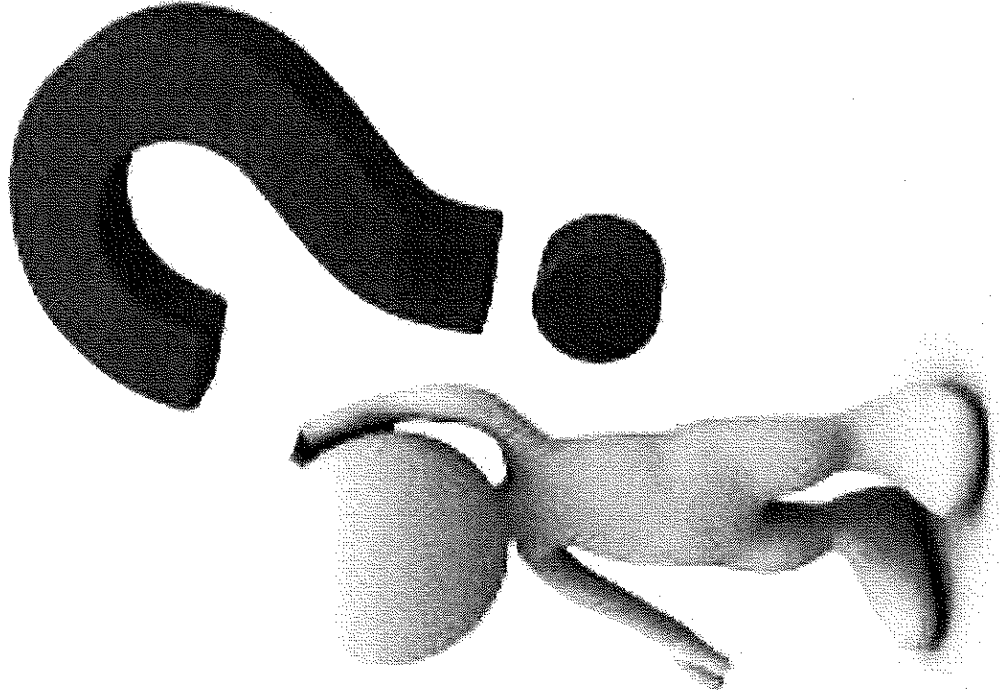
# Speaker

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

**withlovefrommini@g**

**mail.com**

Questions?



**Thank you. Contact us:**

**Kirsten Hill**

[kirsten@kirstenhill.com](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

**Lisa Woods**

[elwoods@eaglefiremail.com](mailto: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](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

## **Lisa Woods**

[elwoods@eaglefiremail.com](mailto:elwoods@eaglefiremail.com)

330-410-6733 (text or call)

# Outline

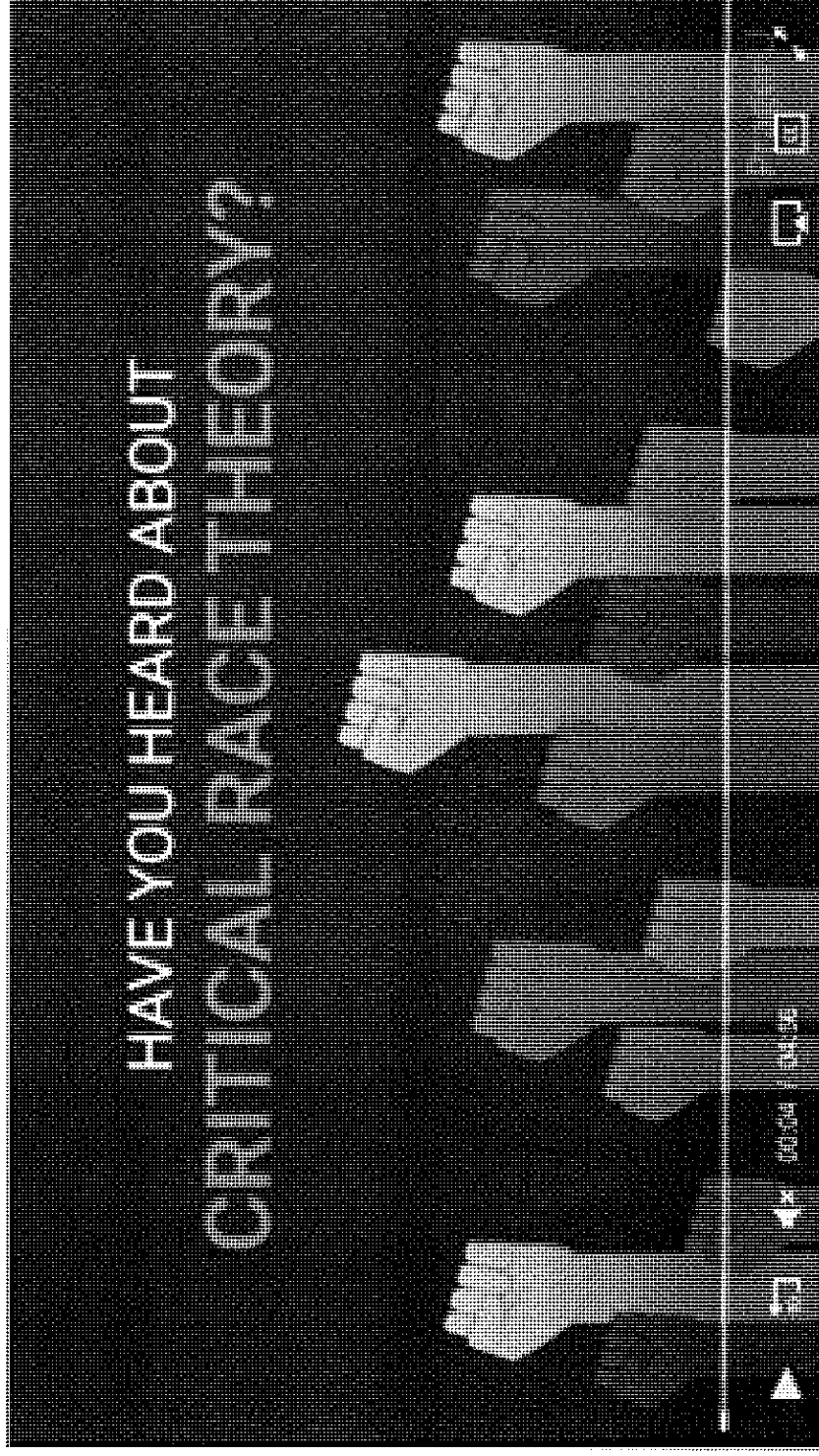
- 1. What is Critical Race Theory (CRT), 1619 Project?**
- 2. CRT in Practice**
- 3. Kohler Racist Equity Resolution**
- 4. Promotion of CRT**
- 5. Response to CRT**
- 6. Questions**

# 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

Saves

Memos

Features

Podcast

Media

Q

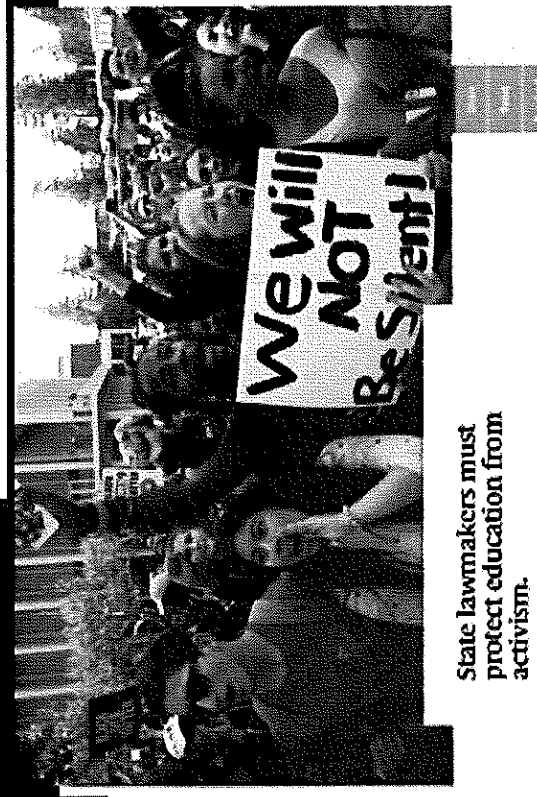
# What is Action Civics?

## “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.thepochoimes.com/parents-organize-to-push-back-against-critical-race-theory\\_3784489.html](https://www.thepochotimes.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.

**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: 11:47 AM EDT 07 Apr 28, 2021

**Now Comment**

Growing up in Stow, Kim Yoak loved playing with Tinkertoy, Legos, Connect 4, and Clutes 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.

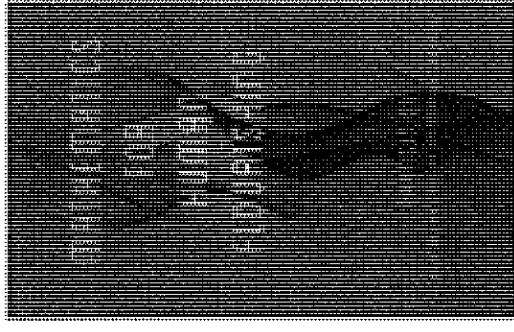
Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak wants to instill that same confidence in both teachers and students — with the goal of democratizing the



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

# 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

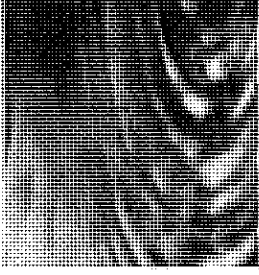
- Educational? Community Conference

## 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 5<sup>th</sup> 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 9<sup>th</sup>. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10<sup>th</sup>.

[https://www.kent.edu/education/education.com/RS080946ADAF2846538\\_baltimore](https://www.kent.edu/education/education.com/RS080946ADAF2846538_baltimore)



Highlights  
are speaker's.

Invitation was  
received  
to attend  
this event.

### Conference Sessions

8:00-9:30 AM	<b>OPENING SESSION:</b> <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 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	<b>CLOSING SESSION:</b> <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](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	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	<b>5</b>	
Appointed	Martha Manchester	<b>Abstain</b>	
Elected	Antoinette Miranda	Jenny Kilgore	Elected
Elected	Nick Owens	<b>1</b>	
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson		
	<b>12</b>		

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/>

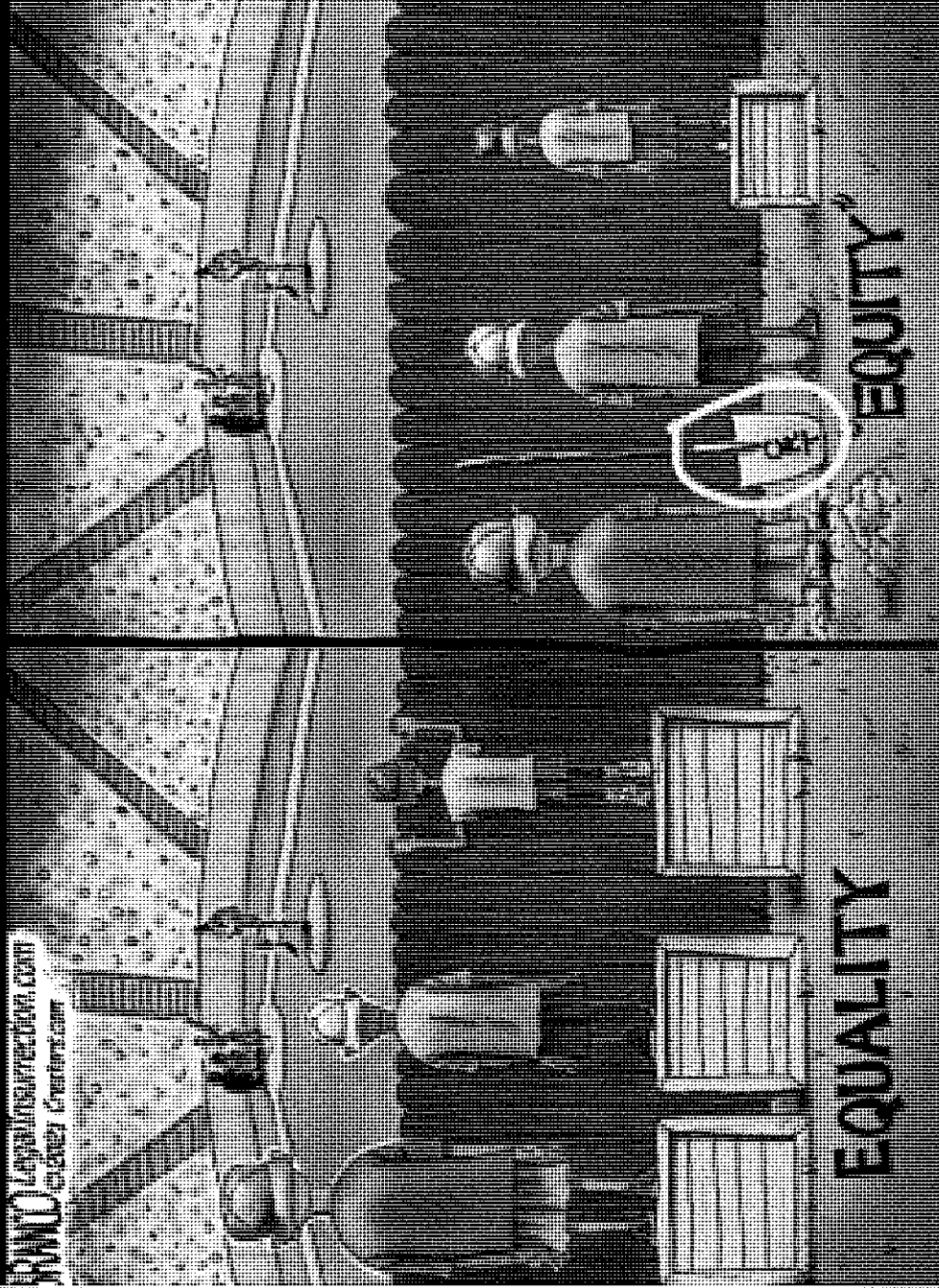
# What is in Kohler's Racist Equity Resolution?

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-1vTkmrhfnYfCcTbp3NoDmxKZUAN7xMIVuhqIINBizKz-lh7yPPqTFFgYzmd5NgKtEdpVugB6GoZwPWR/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-89FEA](https://www.youtube.com/watch?v=Ld7_g-89FEA)
- **Beachwood**
- **Rocky River**

# How are local school districts implementing?

- **Kings Local Schools** (Warren County)
  - <https://www.youtube.com/watch?v=ivzLLOu-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\\_nXpKgu2KvgydmYUM9ommFo-55l](https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNJnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydmYUM9ommFo-55l)

# Teacher Pipeline

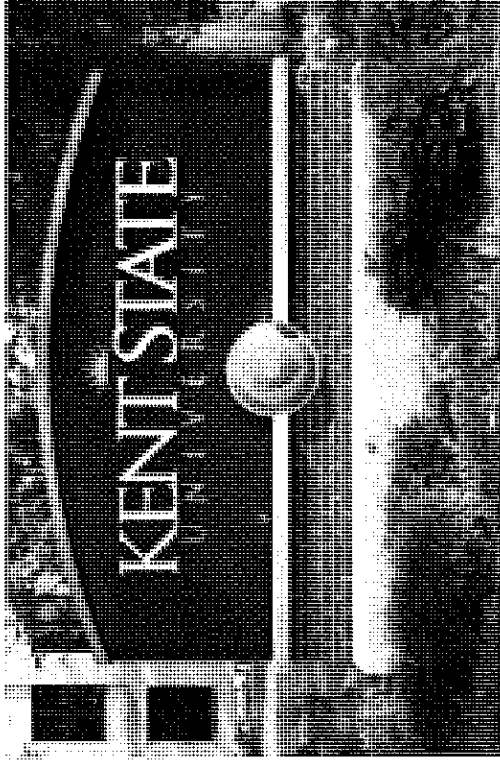
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HIGHER EDUCATION RACIAL ISSUES

**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?

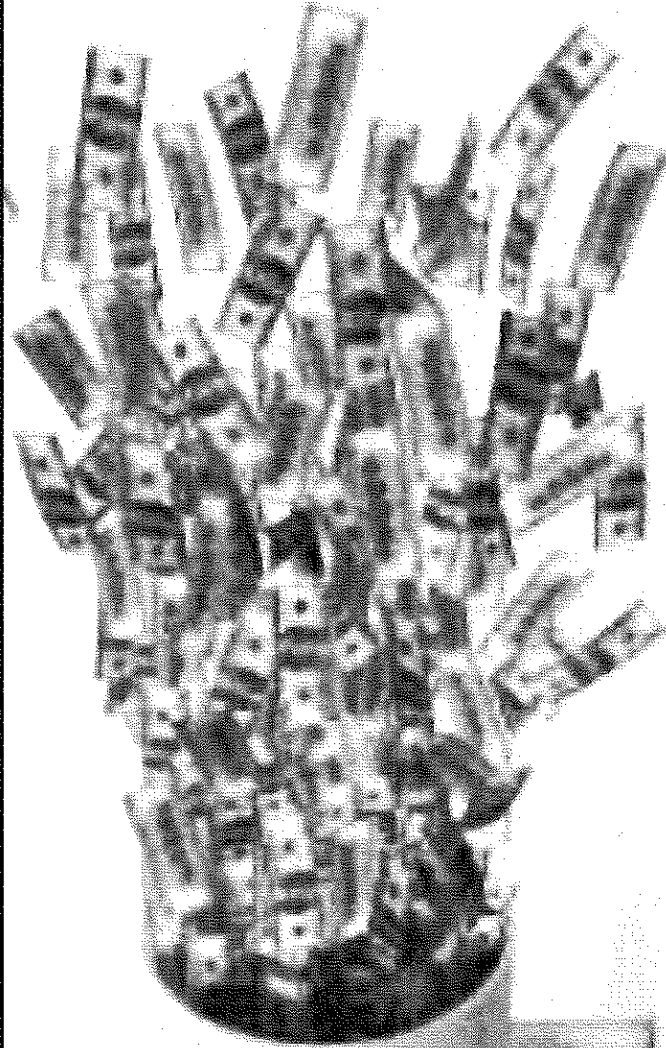
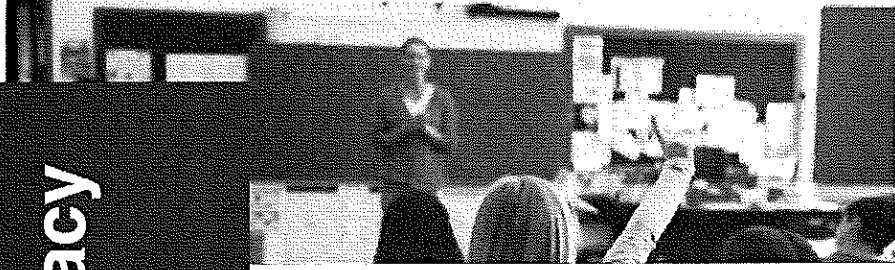
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THE CORNER

EDUCATION

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

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



# Responses (in Ohio)

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**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

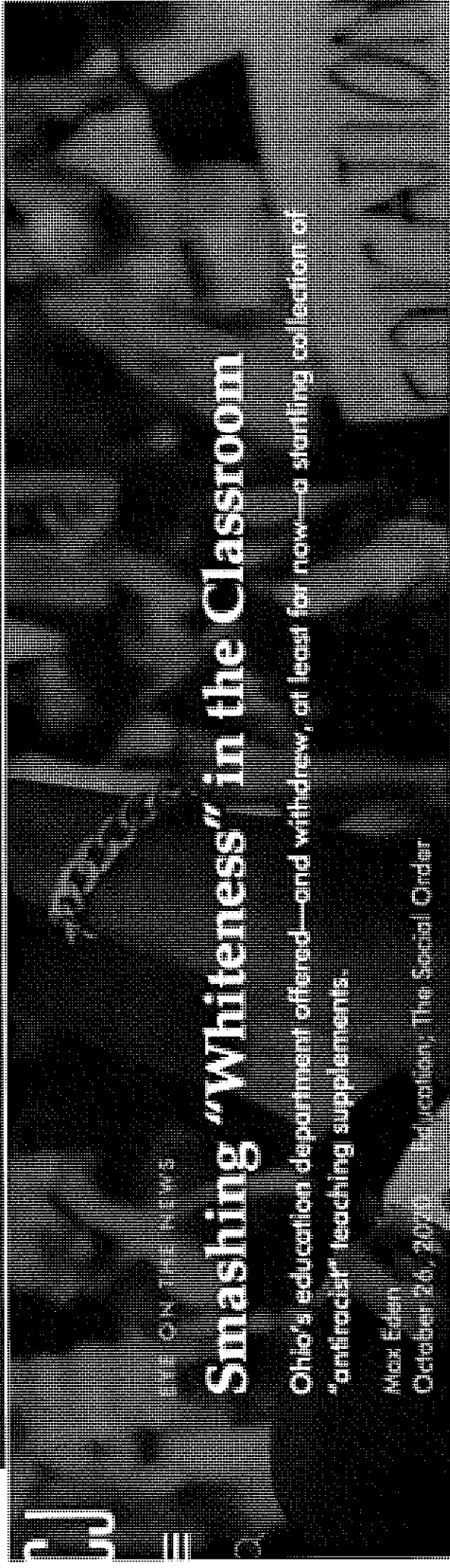
Copyrighted Material



# 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

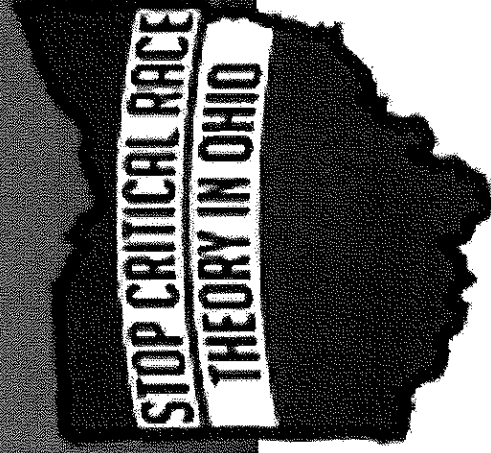


- **Max Eden article** <https://www.city-journal.org/ohio-education-department-antiracist-training>
- **Peter Kirsanow article** <https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>
- **James Lindsay website:** <https://newdiscourses.com/2021/04/critical-race-theory-two-page-overview/>

# 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



- **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

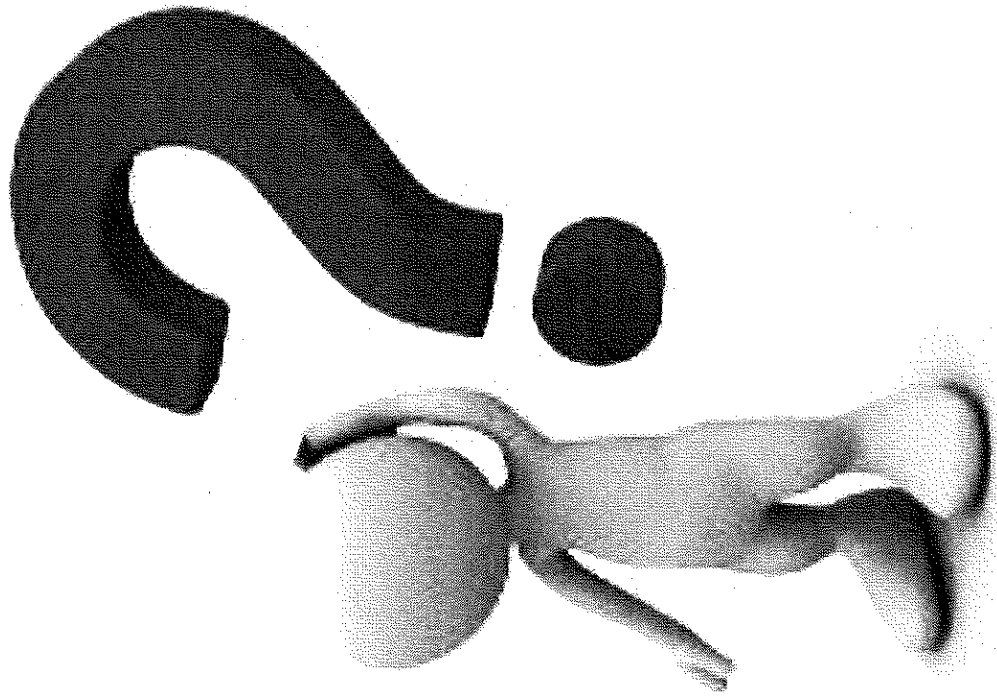
**Kara Molfetta, parent,  
Lakota Local Schools.**

**withlovefrommini@g**

**mail.com**



Questions?



**Thank you. Contact us:**

**Kirsten Hill**

[kirsten@kirstenhill.com](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

**Lisa Woods**

[elwoods@eaglefiremail.com](mailto: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 Strope

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](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

## **Lisa Woods**

[elwoods@eaglefiremail.com](mailto: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**

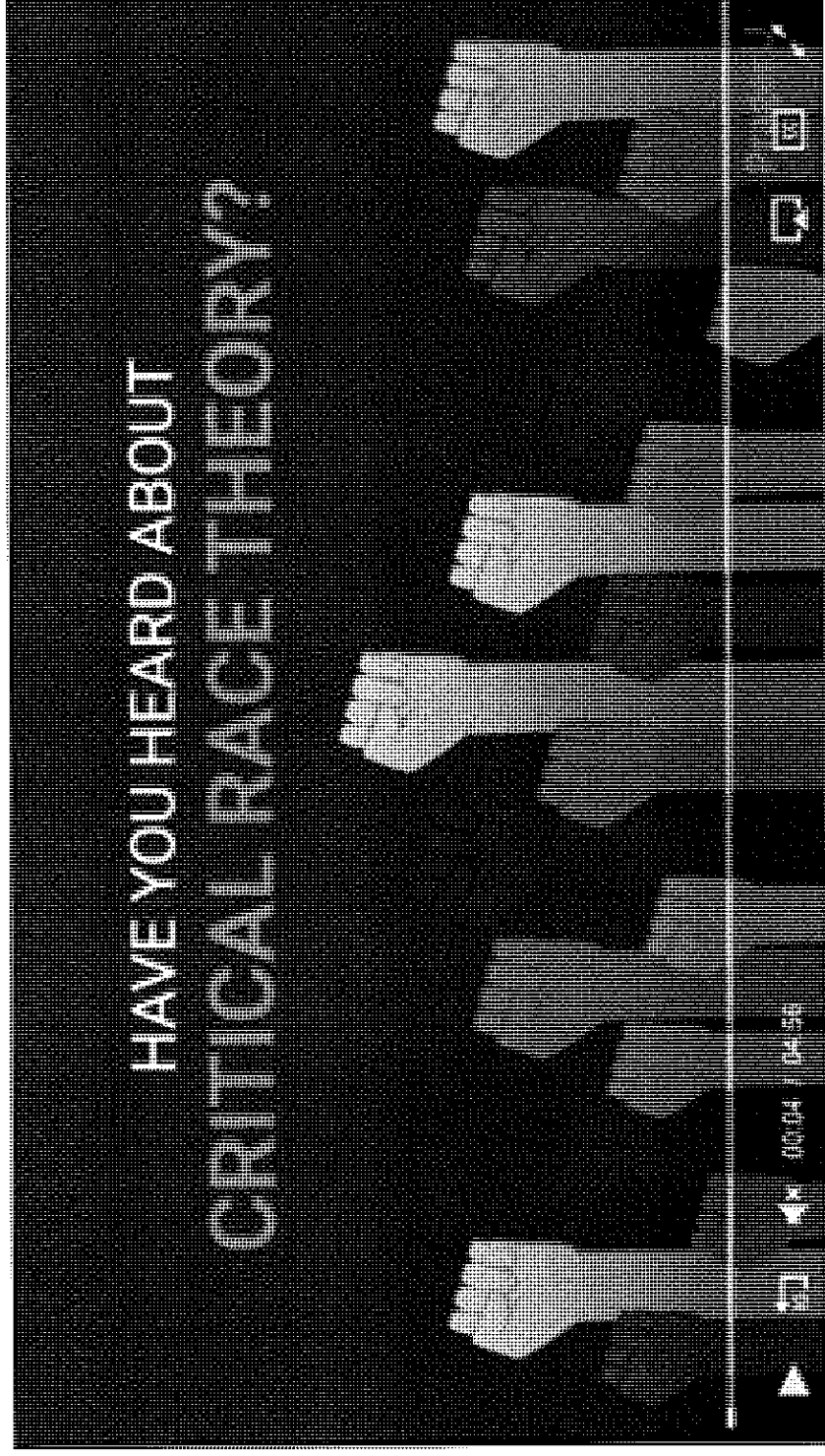
# What is Critical Race Theory?

- 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

Q

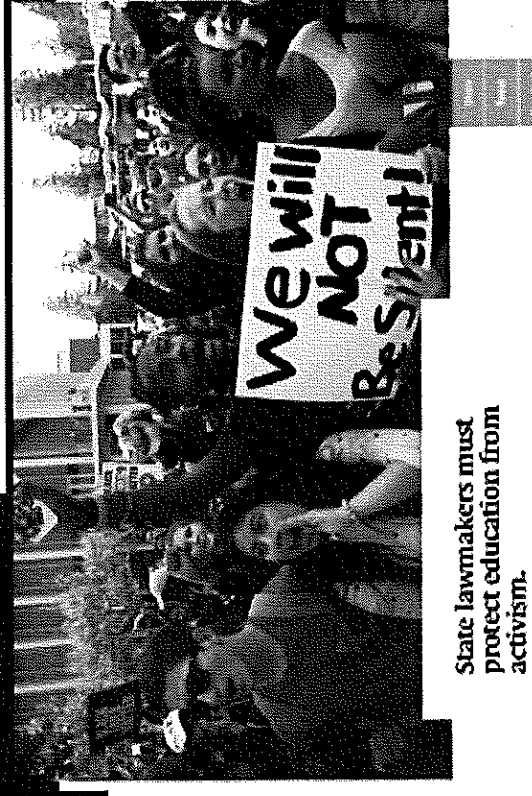
# What is Action Civics?

## “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](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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## Change Agents: Stow educational consultant aims to bring equity, empowerment to math class

By Kristi S. Kump, Akron Beacon Journal  
Published 11:01 a.m. ET Aug. 26, 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.

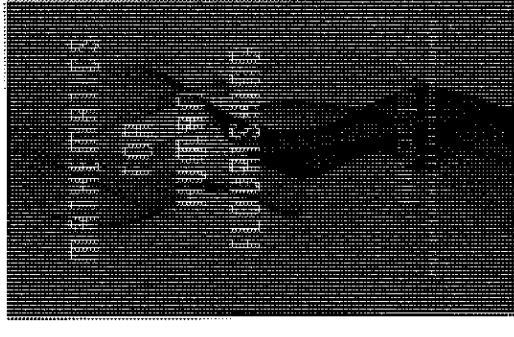
Now as a mathematical education consultant and as executive director of Ohio Council of Teachers of Mathematics (OCTM), Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the

As executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to help teachers and students become more confident in their mathematical skills.



# 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

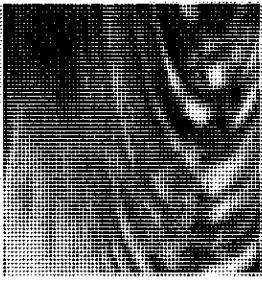
- Educational? Community Conference

## 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 5<sup>th</sup> 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 9<sup>th</sup>. The session facilitator will send out a Zoom invitation to each participant on Monday, May 10<sup>th</sup>.

<https://www.zumacademic.com/65060944ADA2E266E583betheripple>



Highlights  
are speaker's.

Invitation was  
received  
to attend  
this event.

### Conference Sessions

8:00-9:30 AM	<b>OPENING SESSION:</b> <i>Be the Ripple 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 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 Meet Students and Their Learning.</i>
2:05-3:30 PM	<b>CLOSING SESSION:</b> <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](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	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	<b>5</b>	
Appointed	Martha Manchester	Abstain	
Elected	Antoinette Miranda	Jenny Kilgore	Elected
Elected	Nick Owens	<b>1</b>	
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson	<b>12</b>	

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/>

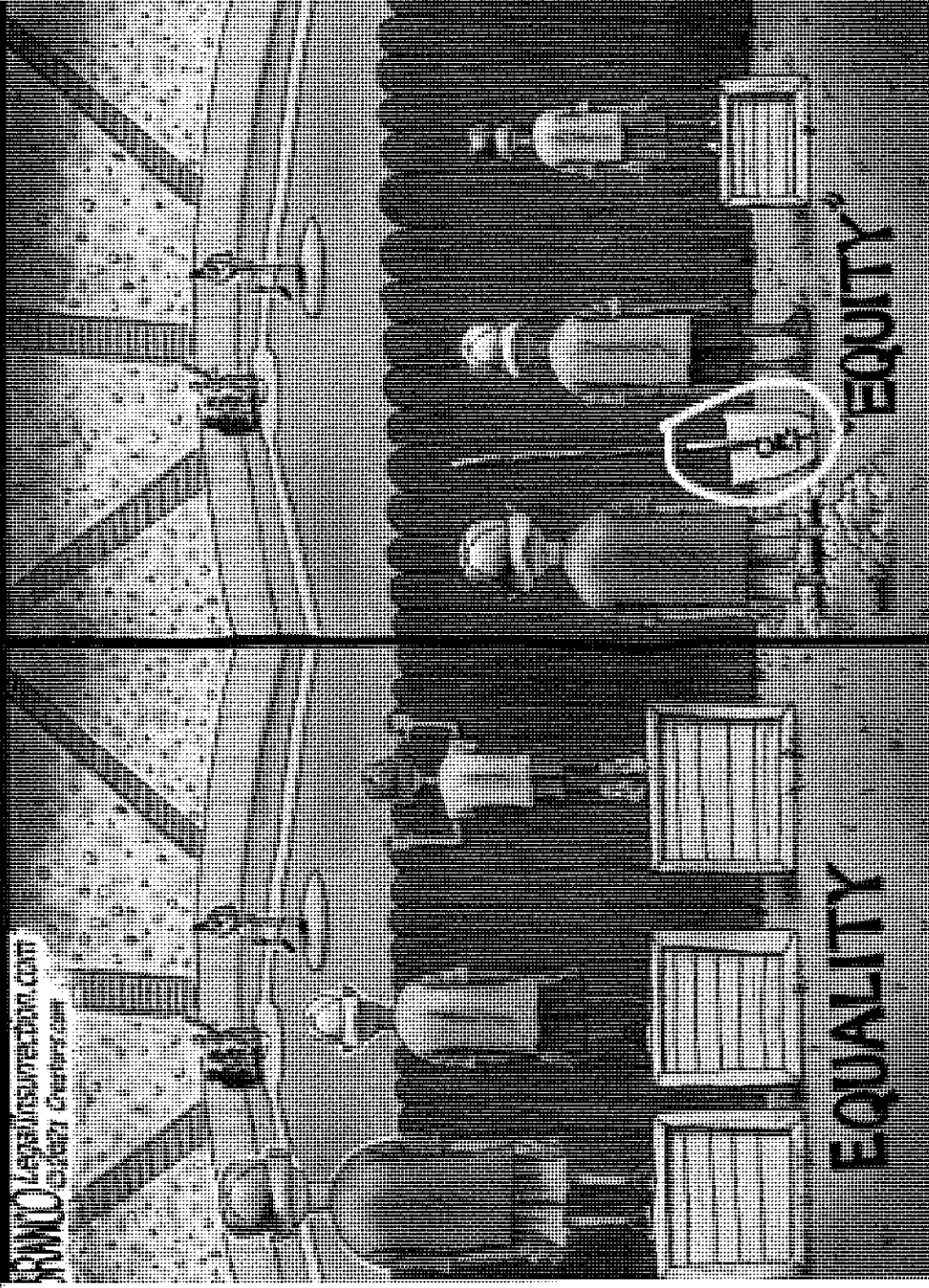
# What is in Kohler's Racist Equity Resolution?

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-1vTkmrhfYUfCcTbp3NoDmxKZUAN7xMivUhgIINBizKz-lh7yPPqTPFqYzmd5NgKtEdpVugB6GoZwPWR/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](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=ivzLLOu-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=IwAR10OeHlfeVvNjnb8vyFTuuwwqV-CuC1\\_nXpKgu2KvgydmYUM9ommmFo-55l](https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHlfeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydmYUM9ommmFo-55l)

# Teacher Pipeline

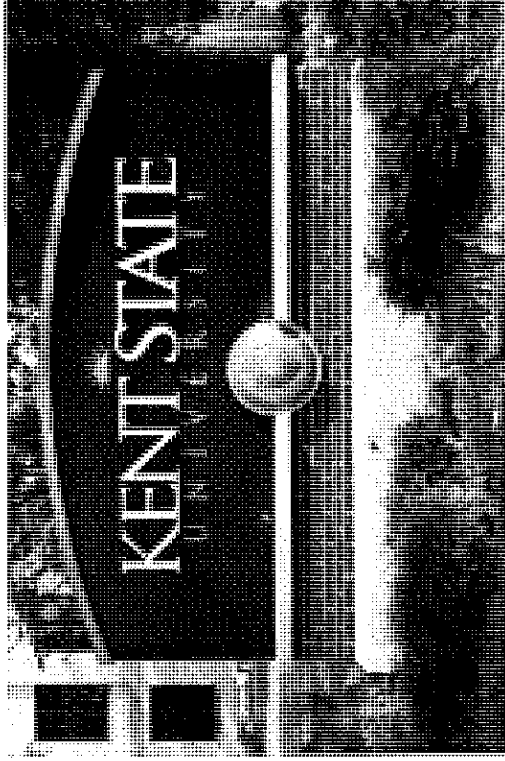
## THE COLLEGE FIX

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/>

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



1620

*A Critical Response  
to the 1619 Project*

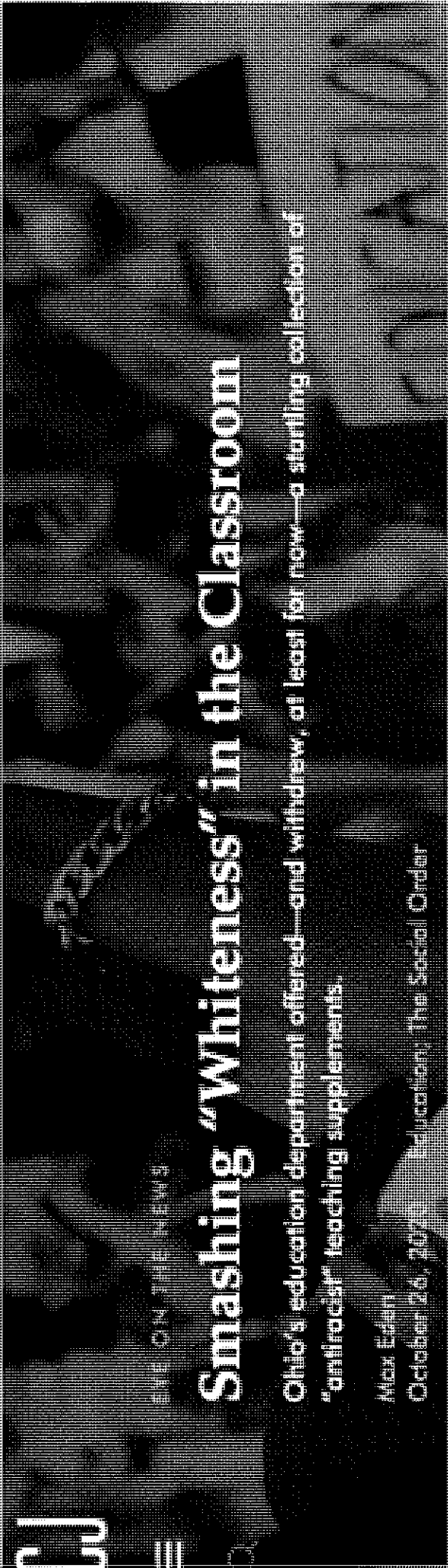
**PETER W. WOOD**

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

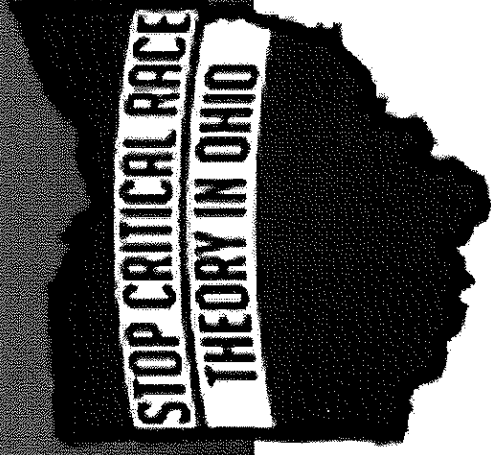
October 26, 2021 Education: The Social Order

- **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/>

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- **“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



- **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**



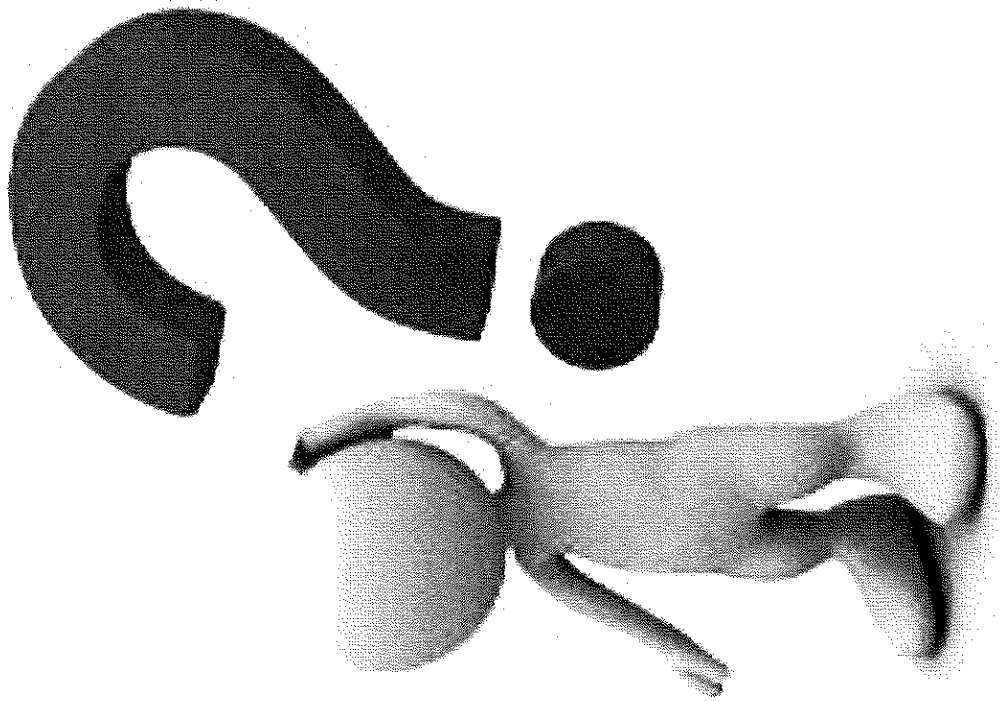
# Speaker

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

**withlovefrommini@g**

**mail.com**

Questions?



**Thank you. Contact us:**

**Kirsten Hill**

[kirsten@kirstenhill.com](mailto:kirsten@kirstenhill.com)

440-201-2306 (text or call)

**Lisa Woods**

[elwoods@eaglefiremail.com](mailto:elwoods@eaglefiremail.com)

330-410-6733 (text or call)

**From:** jdmercer@protonmail.com  
**Sent:** Wednesday, May 12, 2021 10:31 AM  
**To:** Rep76  
**Subject:** Critical Race Theory

First Name: J D  
Last Name: Mercer  
Email: jdmercer@protonmail.com  
Phone: (440) 555-1234  
Address:  
656 Linsberry Ct  
Avon Lake, OH 44012

Subject: Critical Race Theory

Message: Good morning,

I saw this article...

<https://ohiocapitaljournal.com/2021/05/12/bill-barring-divisive-concepts-targets-race-discussions-in-ohio-schools/>

and thought, why there's a solution in search of a problem!

See, this is really far-right "woke" legislation, just like the female transgender athlete ban and "Constitutional Carry". More solutions in search of problems.

I'm not in your district, but clearly I see y'all Trumpers are looking at the same right-wingnut cultural war playbook.

Institutional racism and racial bias are basic facts of American life. Now when you look at the root cause of institutional racism, it does tend to assign blame to our white ancestors. Oh no, we can't talk about that in school, now can we? And this is an old white guy typing this.

Many right wing-nuts deny that racism even exists in America, including The Donald. That's about as true as Trump won the election, and The Donald is always right about everything.

It appears that many in the Statehouse can't even deal with basic facts, and it's tearing this country apart. I think many right-wingnuts secretly know the truth, but hey, they wanna keep their seats.

I used to vote for moderate Republicans like George Voinovich; the problem is there are no more of them. Yes, there's still the few, the proud, the Republicans who tell the truth like Liz Cheney and Anthony Gonzales, but hey, they get censured and primary-ied for speaking the truth. I will say I follow Senator Jay Hottinger on Facebook, and he appears to be based in reality. It's a sad fact that Ronald Reagan (who I voted for) could not win a TRumpublican primary these days. He'd be called a RINO. That's how far right-wingnut your party has become.

So please don't waste the taxpayers' money by spending time and effort on bogus legislation like this.

Sincerely,  
J D Mercer

**From:** MariaTedesco14@gmail.com

**Sent:** Wednesday, May 12, 2021 11:26 AM

**To:** Rep76

**Subject:** Your proposed bill barring "Divisive Concepts" is harmful for our youth, teachers, and community

First Name: Maria

Last Name: Tedesco

Email: MariaTedesco14@gmail.com

Address:

6187 Sharlene Drive

Cincinnati, OH 45248

Subject: Your proposed bill barring "Divisive Concepts" is harmful for our youth, teachers, and community

Message: Diane,

I have read about your proposed bill related to barring "Divisive Concepts" including discussions of Race in American history and culture from our Ohio classrooms, and I must write to express my deep discomfort and disgust toward this proposal. I also write to question your reasoning and motive behind this bill. Racism and overall immense inequality for people of color in this country has been something our nation has tried to keep hidden for decades, and I will not stand for a bill that continues this racist tradition, especially when using our school to do so.

As a white School Psychologist who has worked in schools with mostly black students and mostly white teachers, I can assure you this bill will only make the current public education system in America worse, especially in relation to the goal of achieving racial equality and success for all students, especially students of color. I have witnessed and heard stories through my students about the struggles the black community has gone through, and have seen the lack of black teachers they have to look up too (which has a direct correlation to black student success/likelihood of attending college).

The racist system that currently exists in America is a huge problem that needs to change, and if we cut the discussion of race and inequality out of our schools, my faith in that change happening is dimmed.

Please reconsider your proposal of this bill, and reconsider your reasonings behind it. Why are you afraid of these discussions happening in our schools and our communities? Why are you uncomfortable with recognizing your own white privilege? Why are you trying to use your own biases to harm our communities, rather than serve them?

Thank you for your time,  
Maria Tedesco

**From:** Rep76  
**Sent:** Wednesday, May 12, 2021 2:33 PM  
**To:** 'Jfarrow76@gmail.com'  
**Subject:** RE: Your proposed bill on education prohibiting race education

Mr. Farrow,

Thank you for your email. My proposed bill, in fact, is quite the opposite. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children employing their own critical thought and discussion, to simply telling children how to think or what to feel.

This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist. Educators serve a crucial role to the future of our state and nation. It is imperative that they are doing so with the best intentions of inspiring autonomy and critical thinking in their students.

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:

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with present 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 race, ethnicity, class, nationality, religion, or geographic region; or
- (4) Historical documents that are permitted under present law.

I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Jfarrow76@gmail.com <Jfarrow76@gmail.com>  
**Sent:** Wednesday, May 12, 2021 6:52 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Your proposed bill on education prohibiting race education

First Name: Jeremy  
Last Name: Farrow  
Email: [Jfarrow76@gmail.com](mailto:Jfarrow76@gmail.com)  
Phone: (216) 406-6480  
Address:  
12477 heath rd  
CHESTERLAND, OH 44026



Subject: Your proposed bill on education prohibiting race education

Message: Good morning , I completely disagree with your proposed bill . I am horrified you would even imagine introducing it much less actually present it . I thought the Republican or tea party whatever you identify as was for limited government ? Now your censoring education , free thought and intelligence ? If someone feels guilty for making others feel badly because of race , color , gender , or orientation ... good they probably deserve it . I do not want this bill representing me in any way .I expect a response that my message was received .

Mr. Farrow

**From:** compton.colin@gmail.com  
**Sent:** Wednesday, May 12, 2021 2:50 PM  
**To:** Rep76  
**Subject:** Feeling of disgust from a Geauga County family

First Name: Colin  
Last Name: Compton  
Email: compton.colin@gmail.com  
Address:  
3232 East Fairfax Road  
Cleveland Heights, OH 44118

Subject: Feeling of disgust from a Geauga County family

Message: Diane,

Your proposed legislation regarding race discussions in school is DISGUSTING. I grew up in Geauga County. My siblings and I went to high school with your son. My family still owns property and spends time there. The only divisive party or element here is you and the Republican party. Look at the data! It will show you that a Black woman with a master degree is less likely to get called back for a job than a white woman who has not finished high school. It will show you how the racial wealth gap is widening at an alarming pace. It will show you the inequities that our non-white neighbors face everyday because of the racist system and implicit biases that are rampant in this state and country.

I will be emailing and calling your office daily until this stops.

Best,

Colin Compton

**From:** compton.colin@gmail.com  
**Sent:** Wednesday, May 12, 2021 2:50 PM  
**To:** Rep76  
**Subject:** Feeling of disgust from a Geauga County family

First Name: Colin  
Last Name: Compton  
Email: compton.colin@gmail.com  
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3232 East Fairfax Road  
Cleveland Heights, OH 44118

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I will be emailing and calling your office daily until this stops.

Best,

Colin Compton

**From:** Shannon Smith  
**Sent:** Wednesday, May 12, 2021 3:55 PM  
**To:** Rep76  
**Subject:** URGENT MEDIA INQUIRY: 19 News

Greetings,

My name is Shannon Smith and I'm a reporter with 19 News. I'm hoping to speak with Rep. Grendell about the recent bill to ban "teaching divisive concepts" in Ohio schools for our newscast tonight. If she's available for a quick Zoom interview this late afternoon, please let me know.

Or if it's possible to send questions via email, please let me know. I can also be reached via phone at (216) 296-0064.

Thanks so much for your time.

Best,  
**Shannon Smith**  
*Weekend Anchor/MMJ*  
Shannon.smith@woio.com  
C: (216) 296-0064  
  

**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, 76<sup>th</sup> 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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Maggie Kohl  
**Sent:** Wednesday, May 12, 2021 6:40 PM  
**To:** Rep76  
**Subject:** Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,  
Maggie



**From:** Gross, Jennifer

**Sent:** Wednesday, May 12, 2021 8:36 PM

**To:** Rep76

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

Yes. I believe i already did, but feel free to confirm.

Thx

Rep G

On May 12, 2021 16:22, Rep76 <Rep76@ohiohouse.gov> wrote:



**State Representative Diane V. Grendell, 76<sup>th</sup> House District**

**MEMORANDUM**

**To: All Members of the Ohio House of Representatives**

**From: Representative Diane V. Grendell**

**Date: May 10, 2021**

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

Sincerely,



**Diane V. Grendell**  
State Representative  
Ohio House District 76

**From:** compton.colin@gmail.com  
**Sent:** Thursday, May 13, 2021 7:40 AM  
**To:** Rep76  
**Subject:** Racism is a problem that will just keep getting worse

First Name: Colin  
Last Name: Compton  
Email: compton.colin@gmail.com  
Phone: (440) 487-7140  
Address:  
3232 East Fairfax Road  
Cleveland Heights, OH 44118

Subject: Racism is a problem that will just keep getting worse

Message: When did not talking about a problem solve it?

**From:** Jeremy Farrow

**Sent:** Thursday, May 13, 2021 8:17 AM

**To:** Rep76

**Subject:** Re: Your proposed bill on education prohibiting race education

Mrs. Grendell, thank you for your response . I read your bill extensively and I completely disagree with your Attempt to litigate education based on opinion of what may or may not happen in the classroom . I have a recent experience with this from a local district under your representation which between Facebook and Twitter parts of the community made wild accusations based on their opinions , not fact . We shouldn't litigate based on opinions we should litigate in facts. I appreciate the discussion , I wanted my views heard . If you have actual evidence of what you claim going on in classrooms across the state of Ohio I would love to see it .

Sincerely ,

Jeremy Farrow

Sent from my iPhone

On May 12, 2021, at 2:33 PM, Rep76@ohiohouse.gov wrote:

Mr. Farrow,

Thank you for your email. My proposed bill, in fact, is quite the opposite. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children employing their own critical thought and discussion, to simply telling children how to think or what to feel.

This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist. Educators serve a crucial role to the future of our state and nation. It is imperative that they are doing so with the best intentions of inspiring autonomy and critical thinking in their students.

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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; or

(4) Historical documents that are permitted under present law.

I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Jfarrow76@gmail.com <Jfarrow76@gmail.com>  
**Sent:** Wednesday, May 12, 2021 6:52 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Your proposed bill on education prohibiting race education

First Name: Jeremy  
Last Name: Farrow  
Email: [Jfarrow76@gmail.com](mailto:Jfarrow76@gmail.com)  
Phone: (216) 406-6480  
Address:  
12477 heath rd  
CHESTERLAND, OH 44026

Subject: Your proposed bill on education prohibiting race education

Message: Good morning , I completely disagree with your proposed bill . I am horrified you would even imagine introducing it much less actually present it . I thought the Republican or tea party whatever you identify as was for limited government ? Now your censoring education , free thought and intelligence ? If someone feels guilty for making others feel badly because of race , color., gender , or orientation ... good they probably deserve it . I do not want this bill representing me in any way .I expect a response that my message was received .  
Mr. Farrow

**From:** raffayje@yahoo.com

**Sent:** Thursday, May 13, 2021 9:04 AM

**To:** Rep76

**Subject:** Prohibiting State Education System from Teaching Divisive Concepts

First Name: Julie

Last Name: Raffay

Email: raffayje@yahoo.com

Phone: (440) 829-1030

Address:

11780 Summers Road

Chesterland, OH 44026

Subject: Prohibiting State Education System from Teaching Divisive Concepts

Message: Hello,

My name is Julie Raffay. I have been a public educator in the state of Ohio for 17 years. I am writing in opposition to your potential bill which would prohibit the state education system from teaching divisive concepts.

This bill all but prohibits the use of primary sources that show and tell how our country brutalized people based on religion, race, and sex. As a nation, we do make progress, but to present the Native American slaughter, slavery, or the Japanese internment (for example) in a pleasant way is impossible and ridiculous. History needs to be honestly taught, lest we repeat the errors of the past.

What is determined to be "divisive"? If it makes you feel uncomfortable, will you consider it divisive? If it goes against your political leanings (either side of the aisle), will you consider it divisive? If it is based on facts you disagree with, will you call it divisive? If you don't like that someone is discussing the effects of bias or any "ism", is that considered divisive? If you don't like the history of people you don't like, is it considered divisive? It's too subjective.

I hope that you reconsider your stance and allow local educational governing boards to make their own decisions regarding matters of curriculum and instruction.

Sincerely,  
Julie Raffay

**From:** gregorygipson@hotmail.com  
**Sent:** Thursday, May 13, 2021 11:21 AM  
**To:** Rep76  
**Subject:** Divisive concepts

First Name: Greg  
Last Name: Gipson  
Email: gregorygipson@hotmail.com  
Address:  
2040 Wyandotte  
Lakewood, OH 44107

Subject: Divisive concepts

Message: Representative, recent news coverage indicates you are seeking co-sponsors for a bill that would ban the teaching of "divisive concepts" that apparently include race/racism, discrimination, and gender. The Republican Party maintains that it stands on the side of "freedom" and "liberty" yet defaults to the type of content bans and hysterically thin-skinned overreaction to any display of inequity with a speed and thoroughness that would have made the Soviet Union jealous. Which is probably fitting, since your party has embraced Russia as its inspiration in both the depth of its prejudice and the scope of its authoritarianism. Your bill is an embarrassment to the values of our nation and you should be ashamed to speak for it in public. Your party has whole-heartedly embraced vote-rigging, race-based voting rights disparities, and outright sedition as the only ways it can imagine to remain in power. No wonder that you are furthering this process by attempting to deprive students of critical thinking skills and reality-based fact gathering.

**From:** Rep76  
**Sent:** Thursday, May 13, 2021 3:07 PM  
**To:** 'Maggie Kohl'  
**Subject:** RE: Introduction from Christopher Rufo

Maggie,

Thank you for your email and offer to assist. I would like Christopher's assistance as we move forward with this legislation in Ohio.

Could you please send over a few examples that could help support the bill?

Happy to discuss testimony and working further.

Sincerely,

Diane Grendell  
State Representative  
Ohio House District 76

**From:** Maggie Kohl <mjk@christopherrufo.com>  
**Sent:** Wednesday, May 12, 2021 6:40 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,  
Maggie



**From:** Rep76

**Sent:** Thursday, May 13, 2021 3:16 PM

**To:** 'raffayje@yahoo.com'

**Subject:** RE: Prohibiting State Education System from Teaching Divisive Concepts

Julie,

Thank you for your email. My proposed bill, in fact, is quite the opposite. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children employing their own critical thought and discussion, to simply telling children how to think or what to feel.

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I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** raffayje@yahoo.com <raffayje@yahoo.com>

**Sent:** Thursday, May 13, 2021 9:04 AM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Subject:** Prohibiting State Education System from Teaching Divisive Concepts

First Name: Julie

Last Name: Raffay

Email: [raffayje@yahoo.com](mailto:raffayje@yahoo.com)

Phone: (440) 829-1030

Address:

11780 Summers Road

Chesterland, OH 44026

Subject: Prohibiting State Education System from Teaching Divisive Concepts

Message: Hello,

My name is Julie Raffay. I have been a public educator in the state of Ohio for 17 years. I am writing in opposition to your potential bill which would prohibit the state education system from teaching divisive concepts.

This bill all but prohibits the use of primary sources that show and tell how our country brutalized people based on religion, race, and sex. As a nation, we do make progress, but to present the Native American slaughter, slavery, or the Japanese internment (for example) in a pleasant way is impossible and ridiculous. History needs to be honestly taught, lest we repeat the errors of the past.

What is determined to be "divisive"? If it makes you feel uncomfortable, will you consider it divisive? If it goes against your political leanings (either side of the aisle), will you consider it divisive? If it is based on facts you disagree with, will you call it divisive? If you don't like that someone is discussing the effects of bias or any "ism", is that considered divisive? If you don't like the history of people you don't like, is it considered divisive? It's too subjective.

I hope that you reconsider your stance and allow local educational governing boards to make their own decisions regarding matters of curriculum and instruction.

Sincerely,  
Julie Raffay

**From:** Rep76  
**Sent:** Thursday, May 13, 2021 3:20 PM  
**To:** 'compton.colin@gmail.com'  
**Subject:** RE: Racism is a problem that will just keep getting worse

Colin,

Thank you for your email and phone call. My proposed bill will not prohibit any impartial and historical discussion regarding race or sex. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children to employ their own critical thought and discussion, but rather simply telling children how to think or what to feel.

This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist. Educators serve a crucial role to the future of our state and nation. It is imperative that they are doing so with the best intentions of inspiring critical thinking in their students.

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:

- (1) The history of an ethnic group, as described in 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 race, ethnicity, class, nationality, religion, or geographic region; or
- (4) Historical documents that are permitted under present law.

I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** compton.colin@gmail.com <compton.colin@gmail.com>  
**Sent:** Thursday, May 13, 2021 7:40 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Racism is a problem that will just keep getting worse

First Name: Colin  
Last Name: Compton  
Email: [compton.colin@gmail.com](mailto:compton.colin@gmail.com)  
Phone: (440) 487-7140  
Address:  
3232 East Fairfax Road

Cleveland Heights, OH 44118

Subject: Racism is a problem that will just keep getting worse

Message: When did not talking about a problem solve it?

**From:** Colin Compton  
**Sent:** Thursday, May 13, 2021 3:27 PM  
**To:** Rep76  
**Subject:** Re: Racism is a problem that will just keep getting worse

Your email states:

1. "Far too often, we have seen educators misuse their role as a guiding motivator for children to employ their own critical thought and discussion, but rather simply telling children how to think or what to feel."  
Please provide me with the evidence and examples you have you back this up.
2. "...only discussion that is meant to be divisive, race-blaming, or sexist."  
Please clarify how you will define these three terms. What qualifies under these three terms?

I will be following up with further questions and thoughts.

Best,

Colin

On Thu, May 13, 2021 at 3:19 PM [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

Colin,

Thank you for your email and phone call. My proposed bill will not prohibit any impartial and historical discussion regarding race or sex. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children to employ their own critical thought and discussion, but rather simply telling children how to think or what to feel.

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I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell

State Representative

Ohio House District 76

**From:** [compton.colin@gmail.com](mailto:compton.colin@gmail.com) <[compton.colin@gmail.com](mailto:compton.colin@gmail.com)>

**Sent:** Thursday, May 13, 2021 7:40 AM

**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>

**Subject:** Racism is a problem that will just keep getting worse

First Name: Colin

Last Name: Compton

Email: [compton.colin@gmail.com](mailto:compton.colin@gmail.com)

Phone: (440) 487-7140

Address:

3232 East Fairfax Road

Cleveland Heights, OH 44118

Subject: Racism is a problem that will just keep getting worse

Message: When did not talking about a problem solve it?

**From:** Eiting, Matthew

**Sent:** Thursday, May 13, 2021 3:30 PM

**To:** Rep76

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

Please add Rep. Johnson as a co-sponsor.

Matthew Eiting

Legislative Aide

Office of State Representative Mark Johnson

77 S. High Street Columbus, OH 43215

---

**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76



**From:** Maggie Kohl  
**Sent:** Thursday, May 13, 2021 3:37 PM  
**To:** Rep76  
**Subject:** Re: Introduction from Christopher Rufo

Representative Grendell,

Thank you so much for your quick response! Chris has assisted Senator Cotton and several state legislatures, including New Hampshire, in drafting their legislation, as he was one of the driving forces in drafting the executive order that helped inspire this movement. Additionally, Chris is able to use his large social media platform to help promote when bills are introduced, pass a chamber, and then are signed into law, (here's his latest announcing Texas). This helps drive a media cycle around the legislation and garners public support for it.

I hope this answers your question, if not, I am sorry if I misunderstood! If there's anything else I can provide, please let me know.

Best,  
Maggie

On Thu, May 13, 2021 at 12:06 PM [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

Maggie,

Thank you for your email and offer to assist. I would like Christopher's assistance as we move forward with this legislation in Ohio.

Could you please send over a few examples that could help support the bill?

Happy to discuss testimony and working further.

Sincerely,

Diane Grendell

State Representative

Ohio House District 76

**From:** Maggie Kohl <[mjk@christopherrufo.com](mailto:mjk@christopherrufo.com)>  
**Sent:** Wednesday, May 12, 2021 6:40 PM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,

Maggie

**From:** Rep76  
**Sent:** Thursday, May 13, 2021 4:21 PM  
**To:** Eiting, Matthew  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Matt- he has been added as a cosponsor. Rep. Grendell appreciates the support!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Eiting, Matthew <Matthew.Eiting@ohiohouse.gov>  
**Sent:** Thursday, May 13, 2021 3:30 PM  
**To:** Rep76 <Rep76@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

Please add Rep. Johnson as a co-sponsor.

Matthew Eiting  
Legislative Aide  
Office of State Representative Mark Johnson  
77 S. High Street Columbus, OH 43215

---

**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Wednesday, May 12, 2021 4:22 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**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, 76<sup>th</sup> 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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76  
**Sent:** Thursday, May 13, 2021 4:49 PM  
**To:** 'mike@b-simple.com'  
**Subject:** CRT Proposal

Mike – copied below are the bullet points for Representative Grendell's bill draft:

*The proposed legislation prohibiting decisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:*

- *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*
- *My bill **does not** prohibit the impartial discussion of history and historical documents*

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative **Diane V. Grendell**



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** devondog@wowway.com  
**Sent:** Thursday, May 13, 2021 6:42 PM  
**To:** Rep76  
**Subject:** Critical Race Theory

First Name: CONSTANCE  
Last Name: SMITH  
Email: devondog@wowway.com  
Phone: (440) 779-1206  
Address:  
4453 Porter Rd  
NORTH OLMSTED, OH 44070

Subject: Critical Race Theory

Message: First, I rather doubt you could even verbalize what "Critical Race Theory" is because your sponsorship of this latest bill demonstrates you do not have even a vague understanding of the theory. Secondly, you are terribly out of touch with what is needed in our schools; in our state and in our nation as far as race relations is concerned. The fact of the matter is, white people did enslave black people for profit. It happened and white people need to understand how this continues to impact the black community today. Trying to sugar coat it or totally ignore the facts as you suggest only makes matters worse. Please educate yourself about this and withdraw your sponsorship. I would recommend you read "Uncomfortable Conversations with a Black Man" by Emmanuel Acho as a place to begin your education.

**From:** maizitis@aol.com

**Sent:** Friday, May 14, 2021 4:32 AM

**Subject:** The Post Letter to the Editor: "North Royalton residents speak out on Critical Race Theory"

I wanted to thank those North Royalton neighbors and friends that provided their thoughts on Critical Race Theory ... feel free to share.

Have an awesome weekend ..

Peter

=====

**North Royalton residents speak out on Critical Race Theory**

To the Editor: My neighbors and friends, all North Royalton residents, wanted to share their thoughts on critical race theory so I offered to collect their opinions to share with you and your readers. One underlining concern of many I have spoken with is the potential indoctrination of critical race theory into the school system's curriculum in one form or other.

But critical race theory is not limited to just the schools. Our mayor and council should also have an opinion, a policy, especially since the city had passed Resolution No 17-34 March 8, 2017, supporting the school's \$88.9 million bond issue. Thus far the mayor and council had "no comment."

"Hopefully truth and justice will be on our side! Only time will tell. What a novel idea to work hard for what you have and not be entitled."

"It doesn't make any sense. Seems like something that will only divide our country more. If anything, there needs to be more civility and respect for others."

"Keep the racist critical race theory out of K-12. It only causes more divide by highlighting racism. Parents should teach all children that everyone is equal regardless of race, color, or size and to respect all. All those that work hard, respect everyone, and obey laws have a very, very high chance to succeed in life!

"Too much emphasis on subjects that should not be emphasized. This is a global world. Teach it as a global world, whether you are black, yellow, Jewish or Christian should not even be brought up, so why have a class on CRT?"

"I really feel the schools should get back to reading, writing, and arithmetic. Bring back civics class and dump social studies or at least make it an elective. Civics class teaches that all

men are created equal and the Constitution ensures this. Maybe an elective 'religion' class would reaffirm this for those that think it is necessary."

"The North Royalton City School district has seemingly done an outstanding job of promoting inclusion, awareness of diversity and opportunities for all in their everyday plans for student learning. I make this statement after having conversations with former alumni of the school district, who find the environment suitable for real-world engagement."

"Just bring back civics class. Civics is the study of the rights and obligations of citizens in society. The term derives from the Latin word *civicus*, meaning 'relating to a citizen.' The term relates to behavior affecting other citizens, particularly in the context of urban development. Wikipedia" "CRT is a violation of the First Amendment and includes items such as the 1619 Project which I believe is incorrect."

"On April 8, 2021 the North Royalton school board was considering CRT curriculum set by the Ohio Department of Education who was accused of and is being sued for limiting comments about race curriculum."



“Special treatment, stereotyping and ‘targeted intervention’ of an individual based on their race are in fact all examples of racism. Since when is race considered special needs?”

**Peter Maizitis**  
North Royalton

**From:** Gross, Levi

**Sent:** Friday, May 14, 2021 9:01 AM

**To:** Rep76

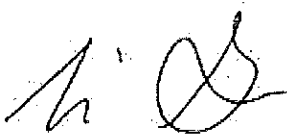
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Hello Brandon,

Could you send over a copy of the bill text for this legislation?

Rep. Richardson would like to read it.

Best,



Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District

O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)

77 S High St, Columbus, OH 43215

---

**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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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Fellow Representatives,

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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.

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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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Rep76

**Sent:** Friday, May 14, 2021 9:46 AM

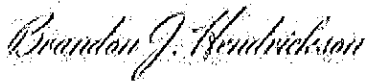
**To:** Gross, Levi

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

Morning Levi—we are still waiting for it to be finished up by LSC. Happy to send it over once we have it in hand.

-Brandon

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



---

**From:** Gross, Levi <Levi.Gross@ohiohouse.gov>

**Sent:** Friday, May 14, 2021 9:01 AM

**To:** Rep76 <Rep76@ohiohouse.gov>

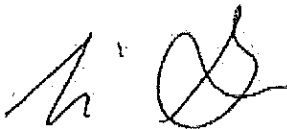
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Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District

O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)

77 S High St, Columbus, OH 43215

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> House District**

**MEMORANDUM**

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**From: Representative Diane V. Grendell**

**Date: May 10, 2021**

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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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,

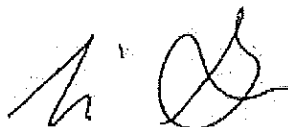


Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Gross, Levi  
**Sent:** Friday, May 14, 2021 9:52 AM  
**To:** Rep76  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fantastic!

Thank you Brandon.



Levi Gross  
Legislative Aide- Representative Tracy Richardson, 86th District  
O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
77 S High St, Columbus, OH 43215

---

**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Friday, May 14, 2021 9:46 AM  
**To:** Gross, Levi <Levi.Gross@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

Morning Levi—we are still waiting for it to be finished up by LSC. Happy to send it over once we have it in hand.

-Brandon

Best,



Brandon J. Hendrickson  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

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**From:** Gross, Levi <Levi.Gross@ohiohouse.gov>  
**Sent:** Friday, May 14, 2021 9:01 AM



To: Rep76 <Rep76@ohiohouse.gov>

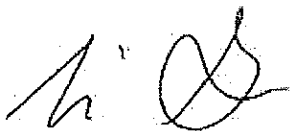
Subject: RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Hello Brandon,

Could you send over a copy of the bill text for this legislation?

Rep. Richardson would like to read it.

Best,



Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District  
O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
77 S High St, Columbus, OH 43215

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From: Rep76 <Rep76@ohiohouse.gov>

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

To: House\_All <House\_All@ohiohouse.gov>

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, 76<sup>th</sup> 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.

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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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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.

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76



**From:** McClain, Riordan

**Sent:** Friday, May 14, 2021 10:22 AM

**To:** Rep76

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

Add me

Sent from my Verizon, Samsung Galaxy smartphone

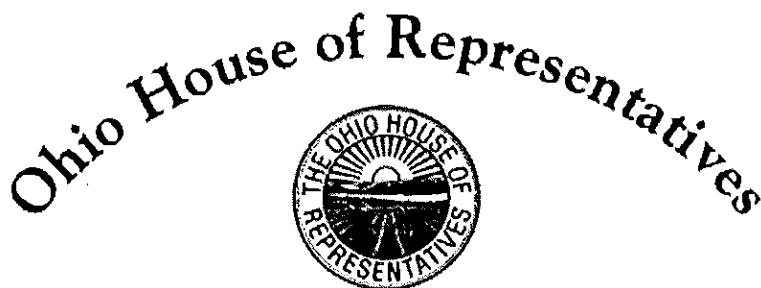
----- Original message -----

**From:** Rep76 <Rep76@ohiohouse.gov>

**Date:** 5/12/21 4:22 PM (GMT-05:00)

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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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- 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;
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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.

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** mike@b-simple.com

**Sent:** Friday, May 14, 2021 1:42 PM

**To:** Rep76

**CC:** ameden@ohiosenate.gov; brenner@ohiosenate.gov; Brian Hill (DST); Marcus Benjamin

**Subject:** RE: CRT Proposal

**Attachments:** NE Ohio CRT Working Group Draft Ohio Senate Divisive Acts Amendment Education w Private Cause of Action VER 5 5\_14\_21.docx

Brandon,

As we discussed on the phone, my small group is working with Averel Meden in Senate President's Matt Huffman's office; Marcus Benjamin with the Senate Republican Caucus; Senator Andrew Brenner; and with Senator Tim Schaffer and his aide, Colin Phillips, in developing a bill to prevent divisive concepts, as defined in the bill, from being taught to our K-12 students in Ohio public schools. I have attached a Word copy of the latest iteration of our bill; Averel sent a previous draft to LSC, and we are waiting for it to come back to us. It will need amendment to conform with the attached version, which is our VER 5.

Thank you for sending me Representative Grendell's bullet points for her draft, which I understand is also at LSC.

Having reviewed this, I believe there is a strong probability that we may be able to develop a bill for both chambers which will be acceptable to all of us. We will also want to bring in as many House and Senate co-sponsors as possible. Please take a look at our draft, and run it by Representative Grendell, if possible, and then get back to me.

Kathy Johnson and I are looking at dates and times to meet with all interested parties in Columbus next week. We will get in touch with you about scheduling as soon as we can. We look forward to working with you.

*Mike*

Michael S. Goldstein, Esq.  
Lieutenant Commander, USNR (Retired)

NE Ohio CRT Working Group  
Liaison to Ohio General Assembly

Proclaiming Justice to the Nations  
General Counsel and State of Ohio Director

P.O. Box 682711  
Franklin, TN 37068-2711  
(216) 209-2600

3386 Belvoir Blvd.  
Beachwood, OH 44122  
(216) 209-2600  
mike@b-simple.com

----- Original Message -----

Subject: CRT Proposal

From: "Rep76@ohiohouse.gov" <Rep76@ohiohouse.gov>

Date: Thu, May 13, 2021 4:49 pm  
To: "'mike@b-simple.com'" <mike@b-simple.com>

Mike – copied below are the bullet points for Representative Grendell's bill draft:

*The proposed legislation prohibiting decisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:*

- *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*
- *My bill **does not** prohibit the impartial discussion of history and historical documents*

Best,

*Brandon J. Hendrickson*



Brandon J. Hendrickson  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
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<http://www.ohiohouse.gov/diane-grendell>

NE OHIO CRT WORKING GROUP

DRAFT SENATE BILL – EDUCATION ONLY

DRAFT 5/14/2021

Page | 1

SUBMITTED TO REPRESENTATIVE DIANE GRENDALL TO  
RECONCILE WITH PROPOSED HOUSE BILL

By Michael S. Goldstein, Esq., NE OHIO CRT WORKING GROUP  
Liaison to Ohio General Assembly

A BILL to amend the Ohio Revised Code by adding thereto a new section, designated § \_\_\_\_\_ of Title 33 relating to primary and secondary education. The new section will amend Title 33 by adding the following language relating to prohibiting the teaching of discriminatory “divisive concepts” in all Ohio schools, educational agencies and institutions; and prohibiting state, federal, and private funding and grants to all schools, educational agencies, and institutions that promote “divisive concepts;” as defined herein.

Be it enacted by the Ohio General Assembly:

CHAPTER \_\_\_\_. EDUCATION.

ARTICLE 1. STATE BOARD OF EDUCATION, STATE DEPARTMENT OF  
EDUCATION, BOARDS OF EDUCATIONS OF LOCAL SCHOOL DISTRICT,  
AND INDIVIDUAL TEACHERS.

Divisive Concepts Classified as Prohibited Discrimination.

Curricula Promoting “Divisive Concepts” Prohibited.

It shall be the policy of the State of Ohio, of the Department of Education of the State of Ohio, of the State Board of Education of Ohio, and of the boards of education of all local school districts within the State of Ohio, not to promote race, sex, religion, or ethnic heritage stereotyping or scapegoating in schools, and actively and publicly to discourage local school districts, schools, and teachers from adopting and/or teaching curriculum that promotes “divisive concepts,” and not to allow state, federal, or local school district or private funds or grants to be used for these purposes. It is the further policy of the State of Ohio, of the Department of Education of the State of Ohio, of the State Board of Education of Ohio and of the boards of education of all local school districts within the State of Ohio, that no local school districts, and no individual teachers, shall engage organizations or trainers, or receive



materials from organizations or trainers, where such organizations or trainers or materials teach or promote “divisive concepts” as defined in this amended statute, whether or not such organizations or trainers or materials are made available at no cost to the Ohio Department of Education of Ohio, or to any agency or institution, district, school or teacher. It shall be a violation of this statute for the State of Ohio, any Ohio educational department, agency or institution, district, school or teacher, to solicit, receive, or accept any federal, state, or private funds or grants, in any form whatsoever, which may be used to teach or promote “divisive concepts” as defined in this amended statute.

Within 10 business days of the effective date of this amended statute, the Department of Education of the State of Ohio shall remove from its website, and from all links set forth within all materials on its website, all materials which promote “divisive concepts.”

The State Department of Education of Ohio shall, beginning the effective date of this amended statute, no longer send to, or offer to send to, local boards of education, schools, and individual teachers, and to the public, and to those members of the public who register to receive communications from the State Department of Education of Ohio, any print or electronic communications which promote “divisive concepts.”

Beginning on the effective date of this amended statute, no employee of the Department of Education of the State Ohio shall appear in his or her official capacity in any public forum, in person or electronic, promoting the teaching of “divisive concepts” in Ohio schools, educational agencies, or institutions.

Beginning on the effective date of this amended statute, no member of the State Board of Education of Ohio shall appear in his or her official capacity in any public forum, in person or electronic, promoting the teaching of “divisive concepts” in Ohio schools, educational agencies, or institutions.

Reporting Requirement – Six months subsequent to the effective date of this amended statute, the Superintendent of Public Instruction of the Ohio Department of Education shall deliver to the President and every elected and appointed member of the State Board of Education of Ohio; to the chairperson of the Primary and Secondary Education Committee of the Ohio Senate; and to the chairperson of the Primary and Secondary Education Committee of the Ohio House of Representatives, and at six month intervals thereafter, a point by point report on the implementation of the provisions of this amended statute and compliance with these provisions by the Department of Education of the State of Ohio, by the State Board of Education

of Ohio, and by the boards of education of all local school districts within the State of Ohio.

For the purposes of this definition, the phrase:

(a) “Divisive concepts” means the concepts that (1) one race, sex, religion, or ethnic heritage is inherently superior to another race, sex, religion, or ethnic heritage, or that people of one race, sex, religion, or ethnic heritage are inherently inferior to another race, sex, religion, or ethnic heritage or are victims of another race, sex, religion, or ethnic heritage, i.e. “victimhood”; (2) the concept that people and their value are determined by their race, sex, religion, or ethnic heritage, rather than by their merits as individuals; (3) there exists a hierarchy of victimhood whereby people and their value are determined by their being of a particular race, sex, religion, ethnic heritage, or other group identity, rather than their merits as individuals; (4) the United States is fundamentally racist or sexist; (5); an individual, by virtue of his or her race, sex, religion, or ethnic heritage, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (6) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race, sex, religion, or ethnic heritage (7) members of one race, sex, religion, or ethnic heritage cannot and should not attempt to treat others without respect to race, sex, religion, or ethnic heritage; (8) an individual’s moral character is necessarily determined by his or her race, sex, religion, or ethnic heritage; (9) an individual, by virtue of his or her race, sex, religion, or ethnic heritage, bears responsibility for actions committed in the past by other members of the same race, sex, religion, or ethnic heritage; (10) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, sex, religion, or ethnic heritage; or (11) meritocracy or traits such as a hard work ethic are racist or sexist, or were created by a particular race to oppress another race; (12) “equity” requires equality of outcome for members of alleged victim groups vis-à-vis members of allegedly “privileged” groups, rather than requiring equality of opportunity, and must be taught as a major goal of Ohio educational agencies and institutions. The term “divisive concepts” also includes any other form of race, sex, religion, or ethnic heritage stereotyping or any other form of race, sex, religion, or ethnic heritage scapegoating.

(b) “Race, sex, religion, or ethnic heritage stereotyping” means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a race, sex, religion, or ethnic heritage, or to an individual because of his or her race, sex, religion, or ethnic heritage.

(c) “Race, sex, religion, or ethnic heritage scapegoating” means assigning fault, blame, or bias to a race or sex, or to members of a race, sex, religion, or ethnic heritage because of their race, sex, religion, or ethnic heritage. It similarly encompasses any claim that, consciously or unconsciously, and by virtue of his or her race, sex, religion, or ethnic heritage, members of any race, sex, religion, or ethnic heritage are inherently racist or are inherently inclined to oppress others.

## ARTICLE 2. STATE TREASURER’S OFFICE.

### Money to State Educational Agencies and Institutions That Promote “Divisive Concepts” Prohibited.

It shall be the policy of the State of Ohio to prohibit state funding, or the passing through the State of Ohio of federal or private funding or grants, for schools, educational institutions, and agencies located or headquartered in the State of Ohio, or headquartered in the State of Ohio but located outside the State of Ohio, that promote race, sex, religion, or ethnic heritage stereotyping or scapegoating, and it shall be prohibited for any state funding to go towards Ohio schools, educational institutions, and agencies which promote “divisive concepts.”

For the purposes of this definition, the phrase:

(a) “Divisive concepts” means the concepts that (1) one race, sex, religion, or ethnic heritage is inherently superior to another race, sex, religion, or ethnic heritage, or that people of one race, sex, religion, or ethnic heritage are inherently inferior to another race, sex, religion, or ethnic heritage or are victims of another race, sex, religion, or ethnic heritage, i.e. “victimhood”; (2) the concept that people and their value are determined by their race, sex, religion, or ethnic heritage, rather than by their merits as individuals; (3) that there exists a hierarchy of victimhood whereby people and their value are determined by their being of a particular race, sex, religion, ethnic heritage, or other group identity, rather than their merits as individuals; (4) the United States is fundamentally racist or sexist; (5) an individual, by virtue of his or her race, sex, religion, or ethnic heritage, is inherently racist, sexist, or oppressive, whether consciously or unconsciously; (6) an individual should be discriminated against or receive adverse treatment solely or partly because of his or her race, sex, religion, or ethnic heritage; (7) members of one race, sex, religion, or ethnic heritage cannot and should not attempt to treat others without respect to race, sex, religion, or ethnic heritage; (8) an individual’s moral character is necessarily determined by his or her race, sex, religion, or ethnic heritage; (9) an individual, by virtue of his or her race, sex, religion, or ethnic heritage, bears responsibility for actions committed in the past by other members of the same race,

sex, religion, or ethnic heritage; (10) any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race, sex, religion, or ethnic heritage; or (11) meritocracy, or traits such as a hard work ethic, are racist or sexist, or were created by a particular race to oppress another race. (12) “equity” requires equality of outcome for members of alleged victim groups vis-à-vis members of allegedly “privileged” groups, rather than requiring equality of opportunity, and must be taught as a major goal of Ohio educational agencies and institutions. The term “divisive concepts” also includes any other form of race, sex, religion, or ethnic heritage stereotyping or any other form of race, sex, religion, or ethnic heritage scapegoating.

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### ARTICLE 3. PRIVATE CAUSE OF ACTION.

Any party who alleges that the State of Ohio, the Department of Education of the State of Ohio, the State Board of Education of Ohio, the board of education of any local school district within the State of Ohio, or any teacher employed by any local school district within the State of Ohio, whether acting in his, her, or it’s official or personal capacity, has violated any provision or provisions of this statute, may bring an action in any court of general jurisdiction of the State of Ohio, or in any federal district court in Ohio, for injunctive relief and for compensatory, consequential, and punitive damages; naming as parties defendant in their official and or personal capacities, the State of Ohio and specific officials and or employees of the State of Ohio; the State Board of Education of Ohio and specific officials and or employees of the State Board of Education of Ohio; the board of education of any local school district within the State of Ohio and or specific officials and or employees of any local school district within the State of Ohio, and or any teacher employed by any local school district within the State of Ohio.

**From:** Rep76

**Sent:** Friday, May 14, 2021 2:00 PM

**To:** McClain, Riordan

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

Representative McClain—you've been added as a cosponsor. Rep. Grendell appreciates the support.

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

**From:** McClain, Riordan <Riordan.McClain@ohiohouse.gov>

**Sent:** Friday, May 14, 2021 10:22 AM

**To:** Rep76 <Rep76@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

Add me

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** Rep76 <Rep76@ohiohouse.gov>

**Date:** 5/12/21 4:22 PM (GMT-05:00)

**To:** House All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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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- 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;
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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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** jstover1

**Sent:** Friday, May 14, 2021 2:08 PM

**To:** mike@b-simple.com; Rep76

**CC:** ameden@ohiosenate.gov; brenner@ohiosenate.gov; Brian Hill (DST); Marcus Benjamin

**Subject:** RE: CRT Proposal

Mike, excellent!

John

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

**From:** mike@b-simple.com

**Date:** 5/14/21 10:42 AM (GMT-07:00)

**To:** Rep76@ohiohouse.gov

**Cc:** ameden@ohiosenate.gov, brenner@ohiosenate.gov, sd20@ohiosenate.gov, marcus.benjamin@ohiosenate.gov

**Subject:** RE: CRT Proposal

Brandon,

As we discussed on the phone, my small group is working with Averel Meden in Senate President's Matt Huffman's office; Marcus Benjamin with the Senate Republican Caucus; Senator Andrew Brenner; and with Senator Tim Schaffer and his aide, Colin Phillips, in developing a bill to prevent divisive concepts, as defined in the bill, from being taught to our K-12 students in Ohio public schools. I have attached a Word copy of the latest iteration of our bill; Averel sent a previous draft to LSC, and we are waiting for it to come back to us. It will need amendment to conform with the attached version, which is our VER 5.

Thank you for sending me Representative Grendell's bullet points for her draft, which I understand is also at LSC.

Having reviewed this, I believe there is a strong probability that we may be able to develop a bill for both chambers which will be acceptable to all of us. We will also want to bring in as many House and Senate co-sponsors as possible. Please take a look at our draft, and run it by Representative Grendell, if possible, and then get back to me.

Kathy Johnson and I are looking at dates and times to meet with all interested parties in Columbus next week. We will get in touch with you about scheduling as soon as we can. We look forward to working with you.

*Mike*

Michael S. Goldstein, Esq.  
Lieutenant Commander, USNR (Retired)

NE Ohio CRT Working Group  
Liaison to Ohio General Assembly

Proclaiming Justice to the Nations



General Counsel and State of Ohio Director

P.O. Box 682711  
Franklin, TN 37068-2711  
(216) 209-2600

3386 Belvoir Blvd.  
Beachwood, OH 44122  
(216) 209-2600  
mike@b-simple.com

----- Original Message -----

Subject: CRT Proposal

From: "Rep76@ohiohouse.gov" <Rep76@ohiohouse.gov>

Date: Thu, May 13, 2021 4:49 pm

To: "'mike@b-simple.com'" <mike@b-simple.com>

Mike – copied below are the bullet points for Representative Grendell's bill draft:

*The proposed legislation prohibiting decisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:*

- *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*

- My bill **does not** prohibit the impartial discussion of history and historical documents



**From:** Rep76  
**Sent:** Friday, May 14, 2021 2:44 PM  
**To:** 'Maggie Kohl'  
**Subject:** RE: Introduction from Christopher Rufo

Thank you very much Maggie. If you could please provide contact information and a resume for Christopher, I would appreciate it greatly.

He will be a great benefit and resource as we begin my bill's committee process.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Maggie Kohl <mjk@christopherrufo.com>  
**Sent:** Thursday, May 13, 2021 3:37 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Re: Introduction from Christopher Rufo

Representative Grendell,

Thank you so much for your quick response! Chris has assisted Senator Cotton and several state legislatures, including New Hampshire, in drafting their legislation, as he was one of the driving forces in drafting the executive order that helped inspire this movement. Additionally, Chris is able to use his large social media platform to help promote when bills are introduced, pass a chamber, and then are signed into law, (here's his latest announcing Texas). This helps drive a media cycle around the legislation and garners public support for it.

I hope this answers your question, if not, I am sorry if I misunderstood! If there's anything else I can provide, please let me know.

Best,  
Maggie

On Thu, May 13, 2021 at 12:06 PM [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

Maggie,

Thank you for your email and offer to assist. I would like Christopher's assistance as we move forward with this legislation in Ohio.

Could you please send over a few examples that could help support the bill?

Happy to discuss testimony and working further.

Sincerely,

Diane Grendell

State Representative

Ohio House District 76

**From:** Maggie Kohl <[mjk@christopherrufo.com](mailto:mjk@christopherrufo.com)>

**Sent:** Wednesday, May 12, 2021 6:40 PM

**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>

**Subject:** Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,

Maggie

**From:** camaneage@gmail.com  
**Sent:** Friday, May 14, 2021 4:40 PM  
**To:** Rep76  
**Subject:** critical race theory legislation

First Name: Anna  
Last Name: Maneage  
Email: camaneage@gmail.com  
Address:  
7140 CONELLY BLVD  
WALTON HILLS, OH 44146

Subject: critical race theory legislation

Message: Dear Ms. Grendell,

Thank you for sponsoring a bill against "critical race theory" being taught in our schools. This is a divisive, Marxist inspired Theory that will be corrosive to our children and our society. I'm glad to know we have elected leaders who recognize it for exactly what it is. Good Lord, that we would entertain teaching our children to hate themselves and members of another race under the guise of improving black children's lives is pure madness. I support you 100%. My representative hasn't even had the courtesy to respond to me on this question. I'm glad you're there to take action.

Sincerely,  
Anna Maneage

**From:** Rep76  
**Sent:** Friday, May 14, 2021 4:47 PM  
**To:** Mitchell Smith  
**Subject:** Requested Change to CRT Bill Draft

Mithchell,

Rep. Grendell wanted me to pass along a requested change she would like to the draft you're working on regarding divisive concepts and CRT.

Could we please have this provision removed from the draft: ***Any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of his or her race or sex;***

This was found in Arkansas's bill on page 2, line 6.

Thanks and have a great weekend,

Brandon  
Best,

*Brandon J. Hendrickson*



Brandon J. Hendrickson  
Legislative Aide  
State Representative Diane V. Grendell  
Ohio's 76<sup>th</sup> House District



(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**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, 76<sup>th</sup> 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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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.

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76



**From:** Rep76  
**Sent:** Friday, May 14, 2021 4:57 PM  
**To:** Seitz, Bill  
**Subject:** Requested Change

Representative Seitz,

I have made the adjustment to my bill draft regarding CRT that we discussed.

Sincerely,

Diane Grendell

**From:** Edwards, Jay

**Sent:** Friday, May 14, 2021 5:04 PM

**To:** Rep76

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

Cosponsor

Jay Edwards

(740) 707-9099

Sent from my iPhone

On May 14, 2021, at 4:54 PM, Rep76 <Rep76@ohiohouse.gov> wrote:

<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> 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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The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,

<image002.png>

**From:** paschall5679@roadrunner.com

**Sent:** Friday, May 14, 2021 6:06 PM

**To:** Rep76

**Subject:** Upcoming new bills re:no vax passports personal freedoms

First Name: Suzanne

Last Name: Paschall

Email: paschall5679@roadrunner.com

Phone: (440) 543-3841

Address:

7992 Bainbridge road

Chagrin Falls, OH 44023

Subject: Upcoming new bills re:no vax passports personal freedoms

Message: I feel the government went a bit far in restricting American personal freedoms and hope you will support the new bills being introduced to maintain our freedoms to keep our medical choices personal.

I would also like to know what if anything is being done about the illegal taxation of residents to support schools. After this last outrageous proposal of a forever tax I can tell you these types of taxes have NO support in my area.

Can you tell me if critical race theory is being taught? I certainly don't want that kind of racism taught at Kenston or any other schools in the area.

Would greatly appreciate hearing your thoughts on the above subjects since I did vote for you.

Thank you

Suzanne Paschall

**From:** Merrin, Derek  
**Sent:** Saturday, May 15, 2021 5:48 PM  
**To:** Rep76  
**CC:** Kennedy, James  
**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'll co-sponsor.  
I would like to see the draft bill if possible.

Derek



**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Friday, May 14, 2021 4:55 PM  
**To:** House\_All <House\_All@ohiohouse.gov>  
**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, 76<sup>th</sup> House District

**MEMORANDUM**

**To:** All Members of the Ohio House of Representatives  
**From:** Representative Diane V. Grendell  
**Date:** May 10, 2021  
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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Rep76

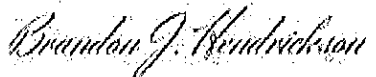
**Sent:** Monday, May 17, 2021 8:34 AM

**To:** Edwards, Jay

**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. Edwards—you have been added as a cosponsor to the bill. Rep. Grendell appreciates the support.

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

**From:** Edwards, Jay <Jay.Edwards@ohiohouse.gov>

**Sent:** Friday, May 14, 2021 5:04 PM

**To:** Rep76 <Rep76@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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Jay Edwards

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Sent from my iPhone

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<image001.png>

**State Representative Diane V. Grendell, 76<sup>th</sup> House District**

#### **MEMORANDUM**

**To: All Members of the Ohio House of Representatives**

**From: Representative Diane V. Grendell**

**Date: May 10, 2021**

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<image002.png>





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**Sent:** Monday, May 17, 2021 8:35 AM

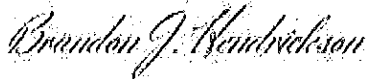
**To:** Merrin, Derek

**CC:** Kennedy, James

**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. Merrin—you've been added as a cosponsor to the bill. LSC is finishing up the draft; it should be completed by the end of the week. Happy to send over once we have it in hand.

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

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**From:** Merrin, Derek <Derek.Merrin@ohiohouse.gov>

**Sent:** Saturday, May 15, 2021 5:48 PM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Cc:** Kennedy, James <James.Kennedy@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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I would like to see the draft bill if possible.

Derek



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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> House District

## MEMORANDUM

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**From: Representative Diane V. Grendell**  
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Sincerely,



Diane V. Gréndell  
State Representative  
Ohio House District 76

**From:** Gross, Levi

**Sent:** Monday, May 17, 2021 8:44 AM

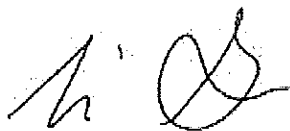
**To:** Rep76

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

Good morning Brandon,

Has LSC finished with the bill draft for this legislation yet?

Best,



Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District  
O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
77 S High St, Columbus, OH 43215

---

**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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.

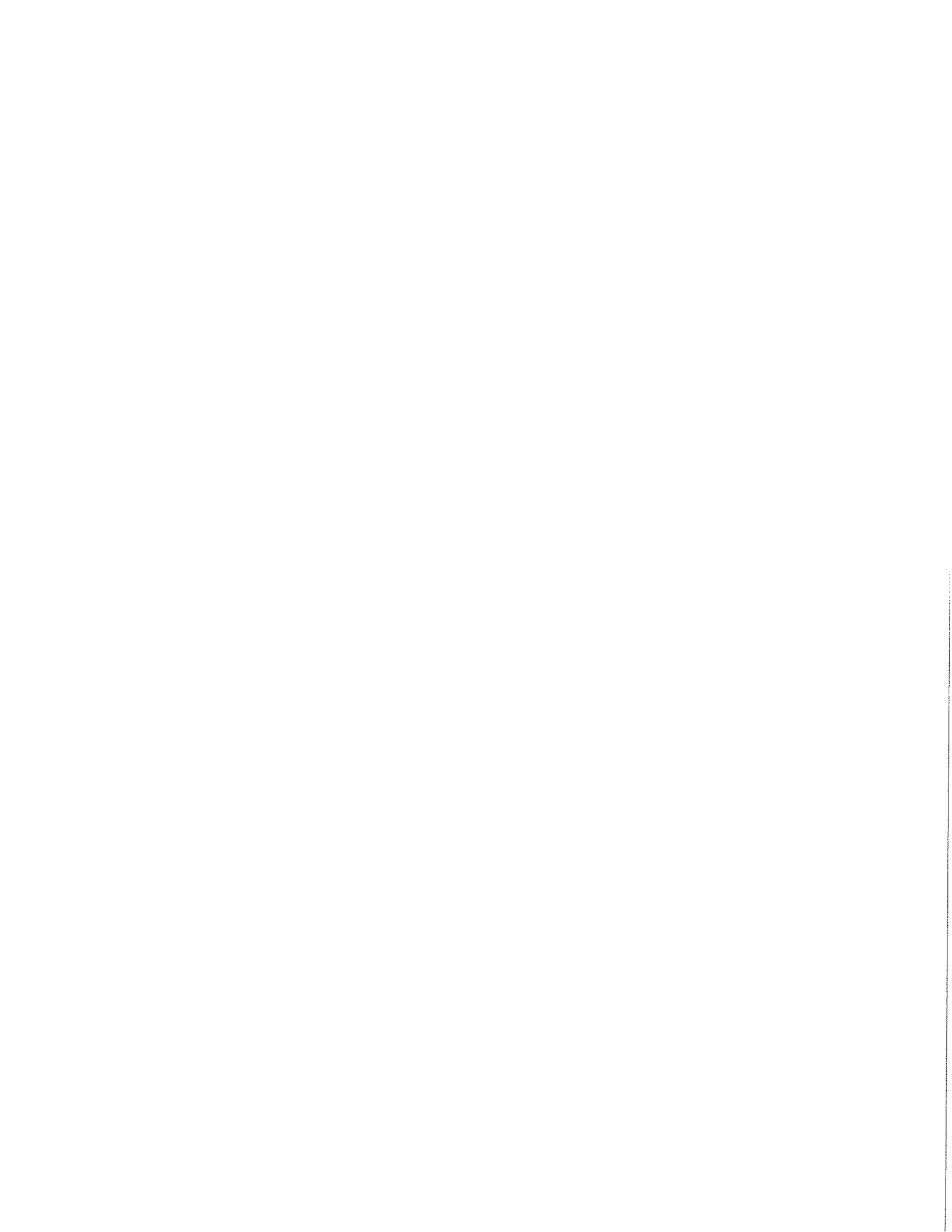
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The deadline to cosponsor this legislation is **Friday, May 28<sup>th</sup> at noon**.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76




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**Sent:** Monday, May 17, 2021 8:50 AM  
**To:** Gross, Levi  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Levi—they should be finished by the end of this week. Will send it over once we have it in hand.

-Brandon

Best,



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

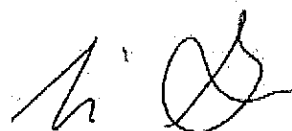
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O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
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**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> House District**

**MEMORANDUM**

**To: All Members of the Ohio House of Representatives**

**From: Representative Diane V. Grendell**

**Date: May 10, 2021**

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inherently racist or are inherently inclined to oppress others, or that members of a sex are inherently sexist or inclined to oppress others;

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**Ohio House District 76**

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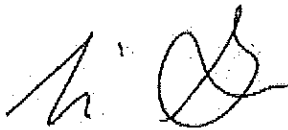
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**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Perfect!

Thank you Brandon.

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Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District  
O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
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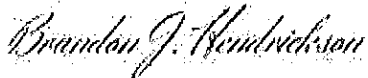
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*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

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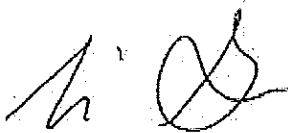
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**Sent:** Friday, May 14, 2021 4:55 PM

**To:** House\_All <[House\\_All@ohiohouse.gov](mailto:House_All@ohiohouse.gov)>

**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



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MEMORANDUM

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**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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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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
State Representative  
Ohio House District 76



**From:** Aria Janel  
**Sent:** Monday, May 17, 2021 8:56 AM  
**To:** Rep76  
**Subject:** 19 News request

**Follow Up Flag:** Follow up  
**Flag Status:** Flagged

Representative Grendell,  
My name is Aria Janel and I am a reporter for 19 News in Cleveland.  
I am emailing you to see if you might have some time to do a zoom interview with us Wednesday morning.  
We are hoping to do a story about the bill you are looking to get co-sponsored dealing with education and divisive topics.  
Is this something you could do?

Thank you in advance for your time and hope to hear from you soon.

Aria Janel  
*MMJ / Reporter*  
Cell Phone: 216.317.2533  
Social Media: @AriaJanelTV



**From:** Rep76  
**Sent:** Monday, May 17, 2021 11:28 AM  
**To:** 'aaron.riggins@ohiosenate.gov'  
**Subject:** Grendell CRT One Pager  
**Attachments:** CRT Bulletpoints.docx

Aaron—one pager with info on the bill attached.

Thanks,

Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>



My proposed legislation prohibiting divisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:

- 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;
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- 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
- My bill **does not** prohibit the impartial discussion of history and historical documents

**From:** Rep76  
**Sent:** Monday, May 17, 2021 12:34 PM  
**To:** RequestLSC  
**Subject:** FW: Grendell Bill Draft Request

Dawn—

Hope you a great weekend! Rep. Grendell would like to add the following provisions to her bill being drafted regarding divisive concepts in education.

- 
- Include nationality, color, or ethnicity along with race and sex
  - Include that the teachings or training in these topics cannot be used as a prerequisite for or to retain employment
  - Include that action civics must be impartial and not require a student to advocate for a specific topic to receive coursework credit.

Thanks Dawn, please let me know if there are any questions.

-Brandon  
LA Grendell

---

**From:** Rep76  
**Sent:** Monday, May 10, 2021 8:49 AM  
**To:** RequestLSC <RequestLSC@lsc.ohio.gov>  
**Subject:** FW: Grendell Bill Draft Request

Good morning Dawn—hope you had a great weekend. Rep. Grendell wanted to update this bill draft request with the following information:

((Please add this to the list of provisions currently being drafted))

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.

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A state agency, school district, or open-enrollment  
charter school may not accept private funding for the purpose of  
developing a curriculum, purchasing or selecting curriculum  
materials, or providing teacher training or professional

development for a course described by Subsection (h-3).

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell  
Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
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From: Rep76  
Sent: Friday, May 7, 2021 12:47 PM  
To: RequestLSC <[RequestLSC@lsc.ohio.gov](mailto:RequestLSC@lsc.ohio.gov)>  
Subject: Grendell Bill Draft Request

Dawn—Rep. Grendell would like to have legislation drafted for Ohio based off of the following Arkansas bill:  
<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB627.pdf>

She would like the following changes/adjustments made to Ohio's version:

---

***Public and Charter Schools to be included in the required entities***

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***If the Director of the Ohio Department of Education finds that any of the entities in the bill knowingly violates the prohibitions, then this bill requires the Ohio Department of Education to withhold state funds, in an amount determined by the ODE, from the entities listed in the bill until they provide evidence to the ODE that they are no longer in violation.***

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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:***

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  - (2) The impartial discussion of controversial aspects of history;***
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  - (4) Historical documents that are permitted under present law, such as the national motto, the national anthem, the state and federal constitutions, state and federal laws, and supreme court decisions.***
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Thanks for all of your help today!

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**  
**Ohio's 76<sup>th</sup> House District**



**(614)-644-5088**  
**<http://www.ohiohouse.gov/diane-grendell>**

**From:** Rep76  
**Sent:** Monday, May 17, 2021 12:53 PM  
**To:** 'audiographics.kd@gmail.com'  
**Subject:** RE: Divisive Concepts Bill

Ken,

Thank you for your email. My bill does not stop any of this from being taught. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children to employ their own critical thought and discussion, to simply telling children how to think or what to feel.

This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist. Educators serve a crucial role to the future of our state and nation. It is imperative that they are doing so with the best intentions of inspiring autonomy and critical thinking in their students.

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:

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- (4) Historical documents that are permitted under present law.

I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** audiographics.kd@gmail.com <audiographics.kd@gmail.com>  
**Sent:** Wednesday, May 12, 2021 8:40 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Divisive Concepts Bill

First Name: Ken  
Last Name: Dardis  
Email: [audiographics.kd@gmail.com](mailto:audiographics.kd@gmail.com)  
Phone: (440) 564-7437  
Address:  
15935 Thomas St

Newbury, OH 44065

Subject: Divisive Concepts Bill

Message: First Cheney, and now your Divisive Concepts bill? Is the Republican goal to do away with truth? Why are you so afraid?

How are we going to teach children about American Indian genocide? Or the racial strife we both saw in the 1960s - or today's full-tilt racial hatred from many in Geauga County?

Your strategy appears to just sweep history under the rug like a Donald Trump lie.

Really? Which is more fear driven: a cry that the election was stolen or ignoring Christian Right Wing propaganda proving they do not love thy neighbor?

Ken Dardis

**From:** RequestLSC  
**Sent:** Monday, May 17, 2021 1:10 PM  
**To:** Rep76  
**Subject:** RE: Grendell Bill Draft Request

Thanks, Brandon!

*Dawn Palmer*  
Assignment Clerk & Executive Administrative Assistant  
Ohio Legislative Service Commission  
77 South High Street, 9<sup>th</sup> Floor  
Columbus, OH 43215  
[dawn.palmer@lsc.ohio.gov](mailto:dawn.palmer@lsc.ohio.gov)  
614-446-1678

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((Please add this to the list of provisions currently being drafted))



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Legislative Aide

State Representative Diane V. Grendell

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**From:** Rep76  
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**To:** RequestLSC  
**Subject:** RE: Grendell Bill Draft Request

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**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Monday, May 17, 2021 12:34 PM  
**To:** RequestLSC <RequestLSC@lsc.ohio.gov>  
**Subject:** FW: Grendell Bill Draft Request

Dawn—

Hope you a great weekend! Rep. Grendell would like to add the following provisions to her bill being drafted regarding divisive concepts in education.

- 
- Include nationality, color, or ethnicity along with race and sex
  - Include that the teachings or training in these topics cannot be used as a prerequisite for or to retain employment
  - Include that action civics must be impartial and not require a student to advocate for a specific topic to receive coursework credit.

Thanks Dawn, please let me know if there are any questions.

-Brandon  
LA Grendell

---

**From:** Rep76  
**Sent:** Monday, May 10, 2021 8:49 AM  
**To:** RequestLSC <RequestLSC@lsc.ohio.gov>  
**Subject:** FW: Grendell Bill Draft Request

Good morning Dawn—hope you had a great weekend. Rep. Grendell wanted to update this bill draft request with the following information:

((Please add this to the list of provisions currently being drafted))

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.

---

A state agency, school district, or open-enrollment  
charter school may not accept private funding for the purpose of  
developing a curriculum, purchasing or selecting curriculum  
materials, or providing teacher training or professional  
development for a course described by Subsection (h-3).

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** Rep76

**Sent:** Friday, May 7, 2021 12:47 PM

**To:** RequestLSC <[RequestLSC@lsc.ohio.gov](mailto:RequestLSC@lsc.ohio.gov)>

**Subject:** Grendell Bill Draft Request

Dawn—Rep. Grendell would like to have legislation drafted for Ohio based off of the following Arkansas bill:  
<https://www.arkleg.state.ar.us/Bills/FTPDocument?path=%2FBills%2F2021R%2FPublic%2FSB627.pdf>

She would like the following changes/adjustments made to Ohio's version:

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***Public and Charter Schools to be included in the required entities***

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***If the Director of the Ohio Department of Education finds that any of the entities in the bill knowingly violates the prohibitions, then this bill requires the Ohio Department of Education to withhold state funds, in an amount determined by the ODE, from the entities listed in the bill until they provide evidence to the ODE that they are no longer in violation.***

---

**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:**

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with present 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 race, ethnicity, class, nationality, religion, or geographic region; or**
- (4) Historical documents that are permitted under present law, such as the national motto, the national anthem, the state and federal constitutions, state and federal laws, and supreme court decisions.**

---

Thanks for all of your help today!

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
**<http://www.ohiohouse.gov/diane-grendell>**

**From:** Ken Dardis  
**Sent:** Monday, May 17, 2021 3:02 PM  
**To:** Rep76  
**Subject:** Re: Divisive Concepts Bill

Representative Grendell:

**Re: "This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist."** - And we'll find out exactly what that means the moment a Christian loving white person decides to challenge what is "divisive or race-blaming." Possibly when the topic of multiple sex lifestyles surfaces, because youth are subjected to its presence through many media and have questions. Then that discussion gets challenged by a well meaning GOP homophobic. We're also left with those demanding Creationism be taught in Ohio schools. How divisive is that?

You won't change my mind, as your party - and by extension you - have given plenty of reason to be skeptical. Which Big Lie do you support, the one spoken about daily by Mr. Trump - the election was stolen by President Biden - or that the election was fair? Why have you not emerged as a leader, stating - without hesitation - that Trump is lying. (Is there any other way to say it? Spare me "that's his opinion and he's allowed to express it.") I spent 15 minutes on your Facebook page and came up with no words from you that approach this topic.

How do you justify remaining silent when a current GOP House member makes statements of "if you didn't know the TV footage was a video from January the 6th, you would actually think it was a normal tourist visit." I found no words from you on this divisive moment either. Your lack of support in acknowledging January 6 as an insurrection says much about you and your morals. Please spare me quotes from McConnell and McCarthy as placing blame, and you not needing to add words. Both retreated within hours of making statements of POTUS responsibility.

I used to be a solid Republican. You and your party have changed that. As a veteran I will now, every January 6, fly the American flag at my house upside down; to commemorate Insurrection Day and the memory of just how close this country came to succumbing its democracy.

The GOP will not sweep this stain under the rug. Unfortunately, your bill to stifle real-world problems will pass with devastating results to youth.

Ken Dardis

On Mon, May 17, 2021 at 12:53 PM [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

Ken,

Thank you for your email. My bill does not stop any of this from being taught. It is important that our education system inspires impartial discussion and critical thinking. Far too often, we have seen educators misuse their role as a guiding motivator for children to employ their own critical thought and discussion, to simply telling children how to think or what to feel.



This legislation will not stifle impartial discussion; only discussion that is meant to be divisive, race-blaming, or sexist. Educators serve a crucial role to the future of our state and nation. It is imperative that they are doing so with the best intentions of inspiring autonomy and critical thinking in their students.

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:

- (1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with present 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 race, ethnicity, class, nationality, religion, or geographic region; or
- (4) Historical documents that are permitted under present law.

I appreciate you sharing your concerns. Please feel free to comment.

Sincerely,

Diane V. Grendell

State Representative

Ohio House District 76

**From:** [audiographics.kd@gmail.com](mailto:audiographics.kd@gmail.com) <[audiographics.kd@gmail.com](mailto:audiographics.kd@gmail.com)>  
**Sent:** Wednesday, May 12, 2021 8:40 AM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Divisive Concepts Bill

First Name: Ken

Last Name: Dardis

Email: [audiographics.kd@gmail.com](mailto:audiographics.kd@gmail.com)

Phone: (440) 564-7437

Address:

15935 Thomas St

Newbury, OH 44065

Subject: Divisive Concepts Bill

Message: First Cheney, and now your Divisive Concepts bill? Is the Republican goal to do away with truth? Why are you so afraid?

How are we going to teach children about American Indian genocide? Or the racial strife we both saw in the 1960s - or today's full-tilt racial hatred from many in Geauga County?

Your strategy appears to just sweep history under the rug like a Donald Trump lie.

Really? Which is more fear driven: a cry that the election was stolen or ignoring Christian Right Wing propaganda proving they do not love thy neighbor?

Ken Dardis

**From:** Rep76

**Sent:** Tuesday, May 18, 2021 10:36 AM

**BCC:** 'tomz@wethepeopleconvention.org'; 'tcialella@aol.com'

**Subject:** Hillsdale College Publication - CRT

**Attachments:** Memo to Republican Representatives; Christopher Ruso Hillsdale Publication.pdf

Good morning,

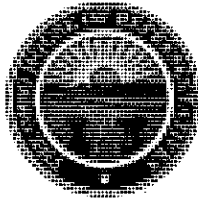
Please see the attached letter regarding Critical Race Theory that I have shared with my fellow members.

Sincerely,

Diane Grendell  
State Representative  
Ohio House District 76

**Committees:**

Civil Justice, Vice Chair  
State and Local Government  
Families, Aging, and Human  
Services  
STABLE Account Advisory Board  
Ohio Council of Interstate Adult  
Offender Supervision



77 South High St.  
Ohio House of Representatives  
13<sup>th</sup> Floor  
Columbus, OH 43215-6111  
Email: [rep76@ohiohouse.gov](mailto:rep76@ohiohouse.gov)  
Website: [house.state.oh.us](http://house.state.oh.us)

**Diane V. Grendell, State Representative**  
**Ohio's 76<sup>th</sup> House District**

May 17, 2021

Fellow Members,

Through my research regarding Critical Race Theory, I have found a publication from Hillsdale College in Michigan; it is an excerpt from a lecture delivered by Christopher Rufo. Christopher is the founder and director of Battlefront, a public policy research center.

I encourage you to read the attached publication, as it succinctly highlights the problems surrounding Critical Race Theory and its implementation.

---

**BACKGROUND**

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.



**From:** Rep76

**Sent:** Tuesday, May 18, 2021 10:36 AM

**BCC:** 'tomz@wethepeopleconvention.org'; 'tcialella@aol.com'

**Subject:** Hillsdale College Publication - CRT

**Attachments:** Memo to Republican Representatives; Christopher Ruso Hillsdale Publication.pdf

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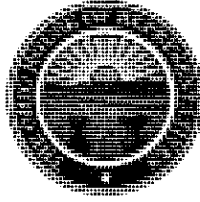
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Diane Grendell  
State Representative  
Ohio House District 76

**Committees:**

Civil Justice, Vice Chair  
State and Local Government  
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Services  
STABLE Account Advisory Board  
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Offender Supervision



77 South High St.  
Ohio House of Representatives  
13<sup>th</sup> Floor  
Columbus, OH 43215-6111  
Email: [rep76@ohiohouse.gov](mailto:rep76@ohiohouse.gov)  
Website: [house.state.oh.us](http://house.state.oh.us)

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**Ohio's 76<sup>th</sup> House District**

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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.

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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.

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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.

**From:** Rep76

**Sent:** Tuesday, May 18, 2021 10:36 AM

**BCC:** 'tomz@wethepeopleconvention.org'; 'tcialella@aol.com'

**Subject:** Hillsdale College Publication - CRT

**Attachments:** Memo to Republican Representatives; Christopher Ruso Hillsdale Publication.pdf

Good morning,

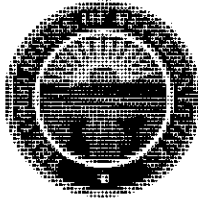
Please see the attached letter regarding Critical Race Theory that I have shared with my fellow members.

Sincerely,

Diane Grendell  
State Representative  
Ohio House District 76

**Committees:**

Civil Justice, Vice Chair  
State and Local Government  
Families, Aging, and Human  
Services  
STABLE Account Advisory Board  
Ohio Council of Interstate Adult  
Offender Supervision



77 South High St.  
Ohio House of Representatives  
13<sup>th</sup> Floor  
Columbus, OH 43215-6111  
Email: [rep76@ohiohouse.gov](mailto:rep76@ohiohouse.gov)  
Website: [house.state.oh.us](http://house.state.oh.us)

**Diane V. Grendell, State Representative**  
**Ohio's 76<sup>th</sup> House District**

May 17, 2021

Fellow Members,

Through my research regarding Critical Race Theory, I have found a publication from Hillsdale College in Michigan; it is an excerpt from a lecture delivered by Christopher Rufo. Christopher is the founder and director of Battlefront, a public policy research center.

I encourage you to read the attached publication, as it succinctly highlights the problems surrounding Critical Race Theory and its implementation.

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**BACKGROUND**

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

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**From:** Rep76  
**Sent:** Tuesday, May 18, 2021 12:42 PM  
**To:** RequestLSC  
**Subject:** Bill Comparison  
**Attachments:** l\_134\_1448-1.pdf

Good afternoon Dawn—Rep. Grendell would like to know the difference between her drafted legislation (attached) and Rep. Jones’s proposal on Critical Race Theory?

Thanks,

Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> 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



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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

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 XXXVIII 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 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

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  
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:** 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; Strobe, 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

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

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.

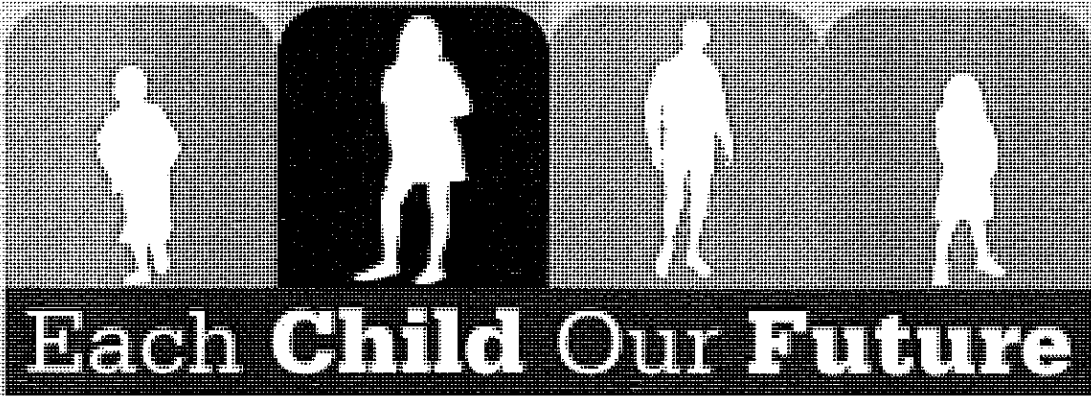
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FINANCIAL SUPPORT

.—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).

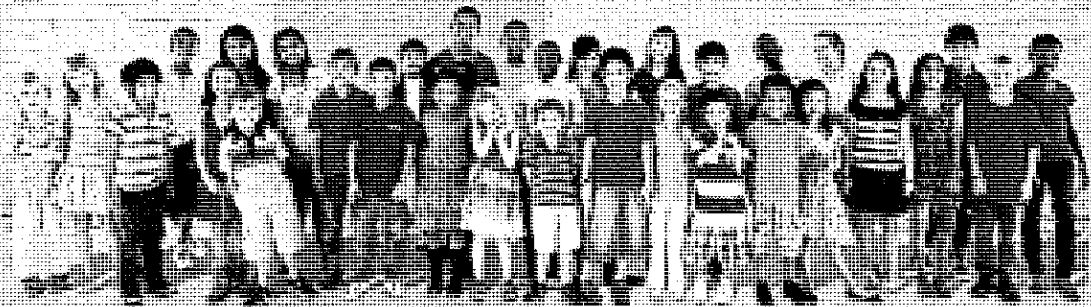
9. <https://www.cincinnati.com/story/news/2021/05/08/new-osba-president-former-resigned-after-comments-systemic-racism/5007200001/>

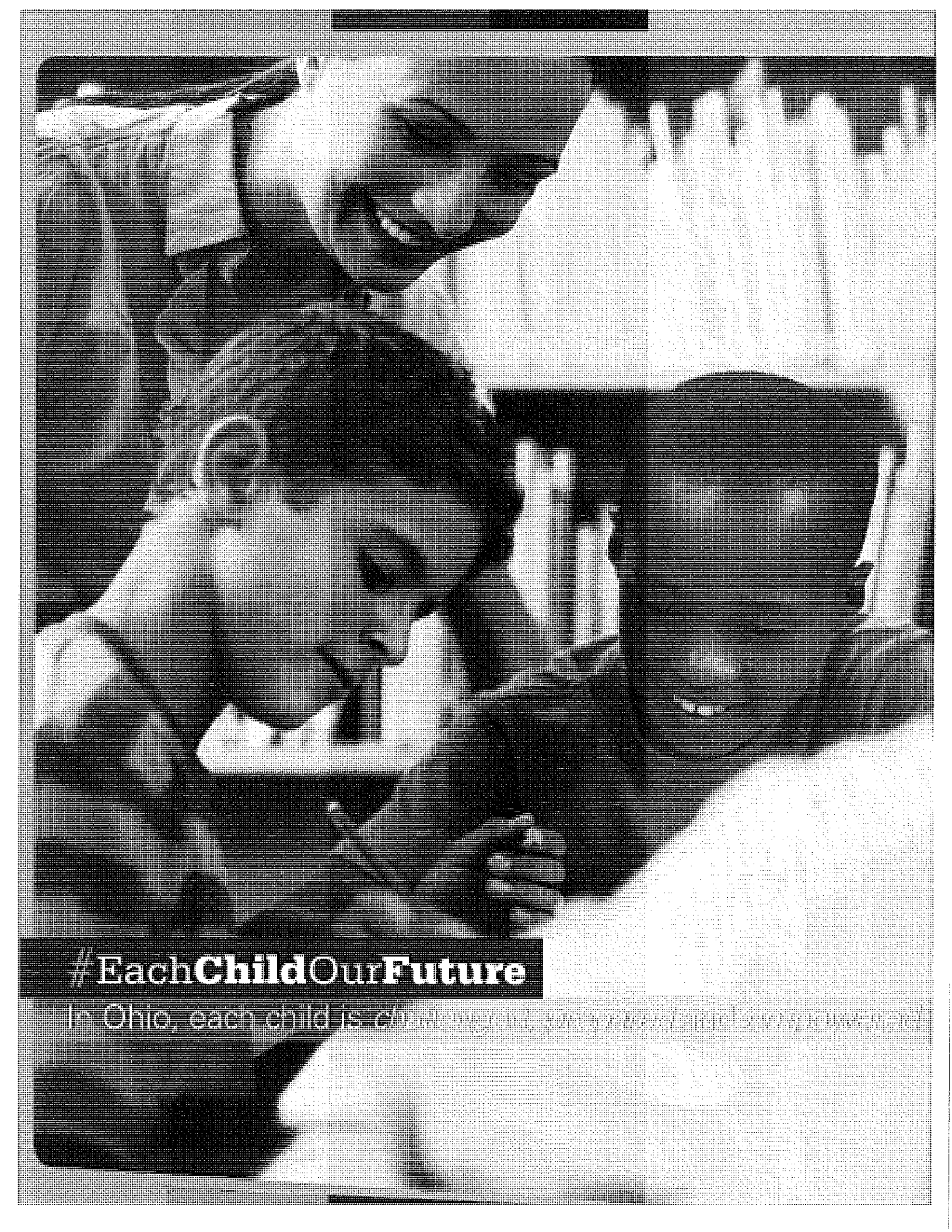
Sarah Fowler Arthur  
Ohio State Representative  
99<sup>th</sup> District  
o.614-466-1405



# Each Child Our Future

Ohio Strategic Plan For Education: 2019-2024





**#EachChildOurFuture**

In Ohio, each child is challenged to learn, grow and thrive in a world of opportunity.

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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 partners<sup>1</sup> 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.<sup>2</sup> 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)**.<sup>3</sup> 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.<sup>4</sup> Issues at home significantly impact a child in the classroom.

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

<sup>2</sup> Nearly 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>

<sup>3</sup> Adverse 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>

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

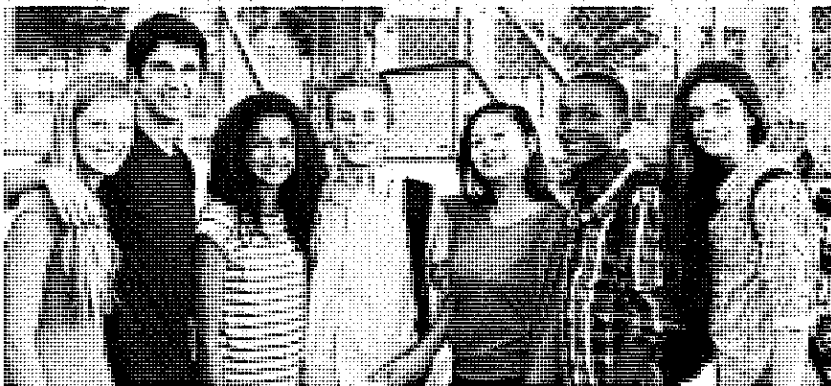


# Ohio's Education Landscape

## Our Students

Race and Ethnicity	Enrollment	Percent
<b>Total Enrollment</b>	<b>1,667,307</b>	<b>100%</b>
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	
	<b>Homeless</b> +13,471 Students
	<b>Hispanic</b> +51,340 Students
	<b>Asian or Pacific Islander</b> +15,806 Students
	<b>English Learners</b> +17,511 Students
	<b>Multiracial</b> +26,994 Students
	<b>Economically Disadvantaged*</b> +179,443 Students
	<b>Black, Non-Hispanic</b> -8,669 Students
	<b>White, Non-Hispanic</b> -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
<b>Traditional School Districts</b>	<b>612</b>	<b>100%</b>	<b>1,559,026</b>	<b>100%</b>
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%

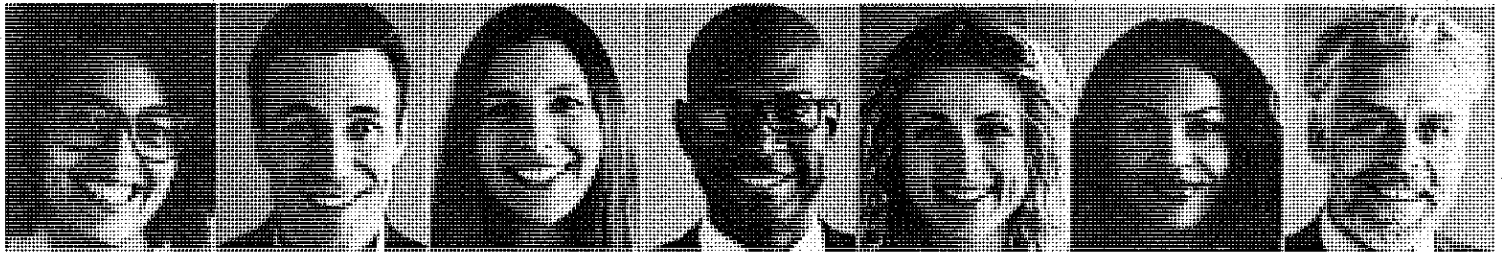


## Our Districts and Schools

Types of Schools	Schools	Percent
<b>All Public Schools (as of 4/16/19)</b>	<b>3,609</b>	<b>100%</b>
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
<b>All Educators</b>	<b>134,107</b>	<b>100%</b>
School Administrators	5,975	4.5%
Teachers	108,615	81%
Student Support Services	19,516	14.6%

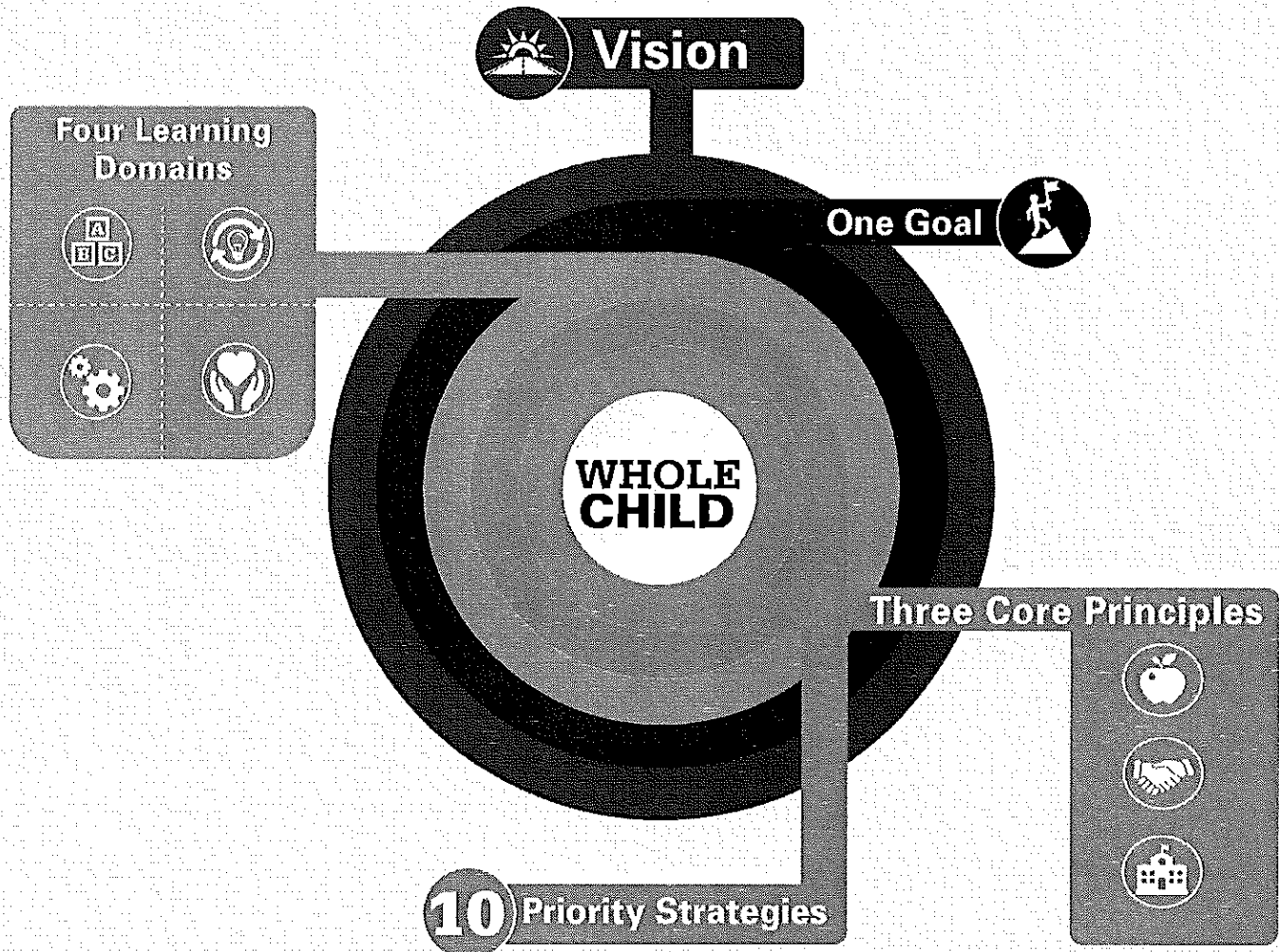
Teacher Race and Ethnicity	Educators	Percent
<b>All Teachers</b>	<b>108,615</b>	<b>100%</b>
American Indian or Alaskan Native	54	<0.1%
Asian or Pacific Islander	514	0.5%
Black, Non-Hispanic	4,301	4.0%
Hispanic	740	0.7%
White, Non-Hispanic	100,399	92.4%
Multiracial	210	0.2%
Not Specified	2,398	2.2%

New Initial Licenses Issued	Licenses	Percent
<b>All Educators</b>	<b>18,461</b>	<b>100%</b>
School Administrators	1,081	5.9%
Student Support Services	10,045	54.4%
Teachers	7,335	39.7%
<b>Teacher Licensure Area</b>	<b>7,335</b>	<b>100%</b>
• 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

# 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.<sup>5</sup> **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.

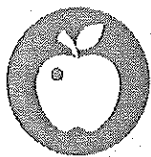


## Supporting the Whole Child

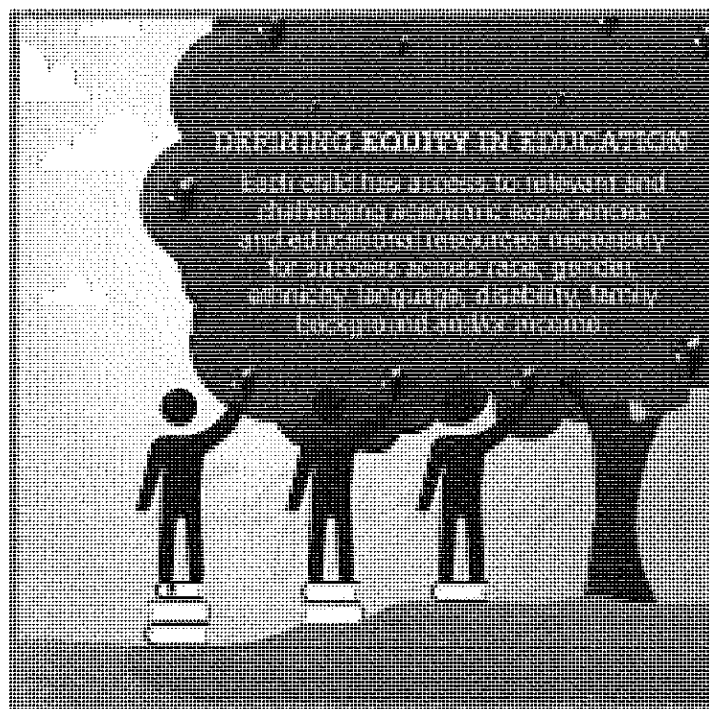
Ohio can only reach success by meeting the needs of the **whole child**. The time a child spends in school is precious and should ensure all aspects of a child's well-being are addressed, including the physical, social, emotional and intellectual aspects. Each plan component works harmoniously to support 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**.

<sup>5</sup>Whole 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.

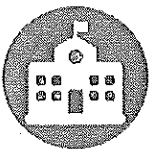
# Three Core Principles



**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 domains<sup>6</sup> 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.<sup>7</sup> 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.

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

<sup>7</sup> 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:10.1080/13803120701576241

# 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.



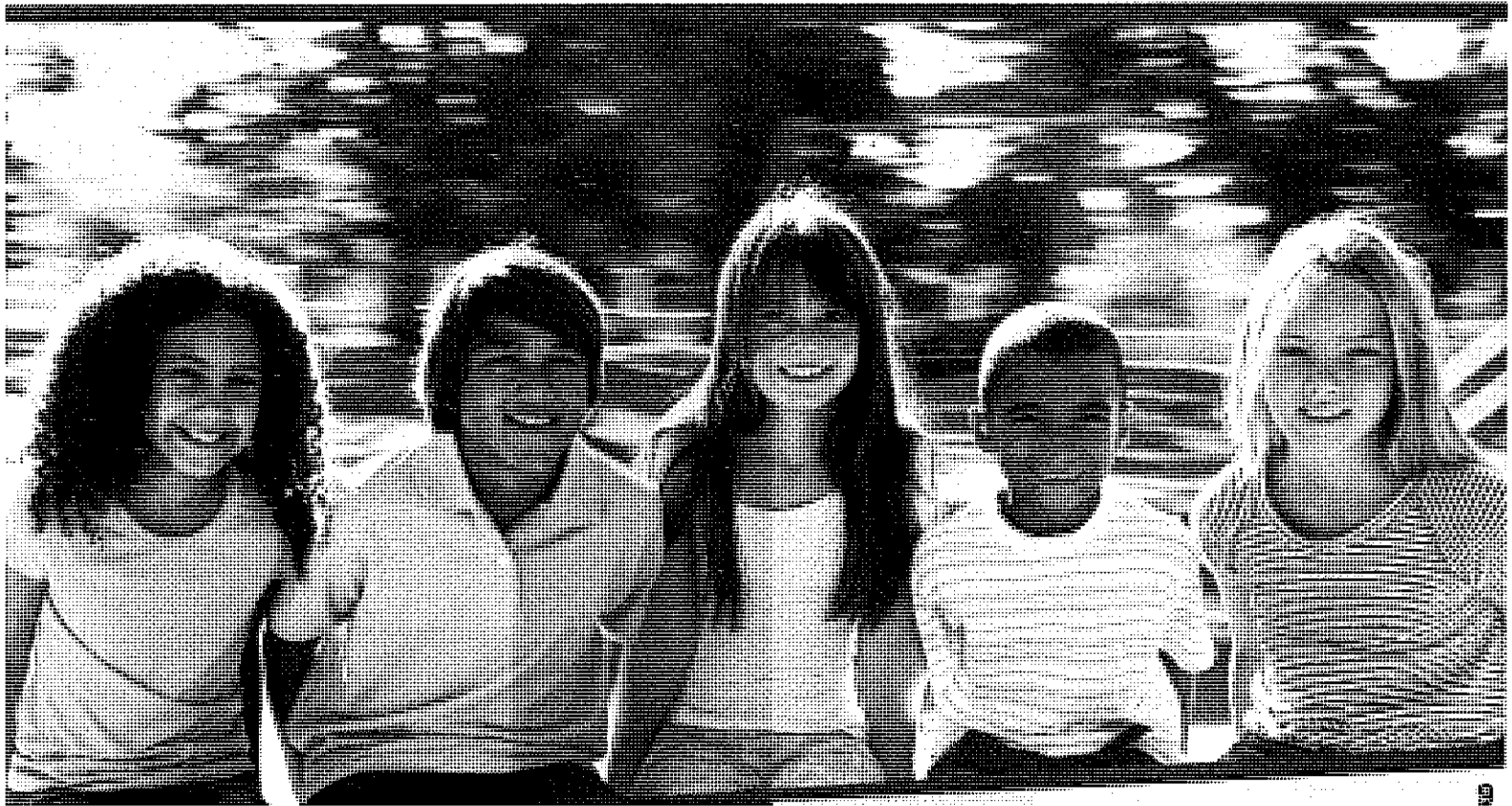
**EQUITY:** Use of the phrase *each child* is intentional. It emphasizes the importance of equity, which is this plan's greatest imperative and number one principle.



**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.



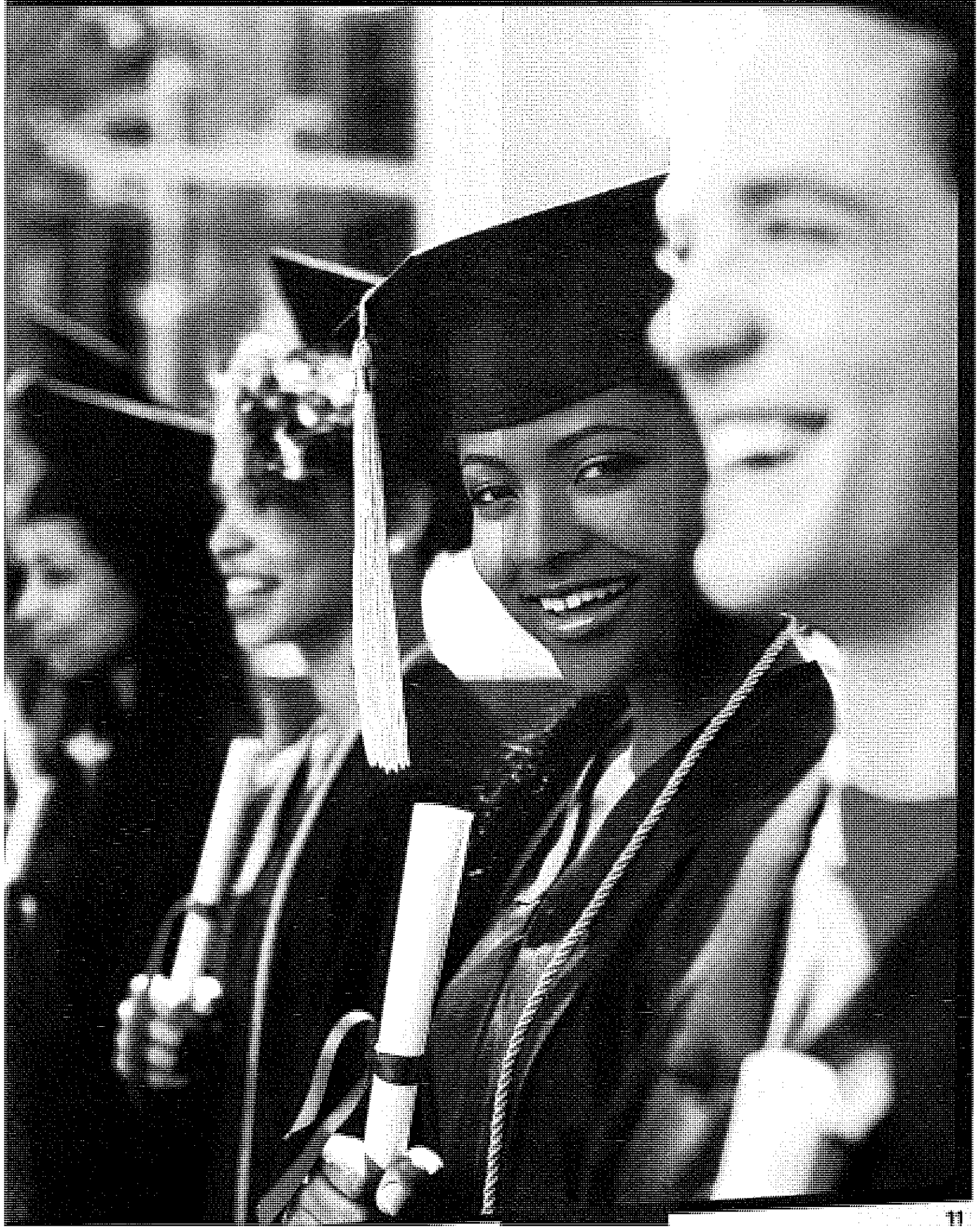
**EQUITY:** There are many paths to success, and each child is capable of succeeding on one or more pathways. Appropriate supports must be made available so personal and social circumstances do not prohibit a child from reaching his or her greatest aspiration. The education system and its partners can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

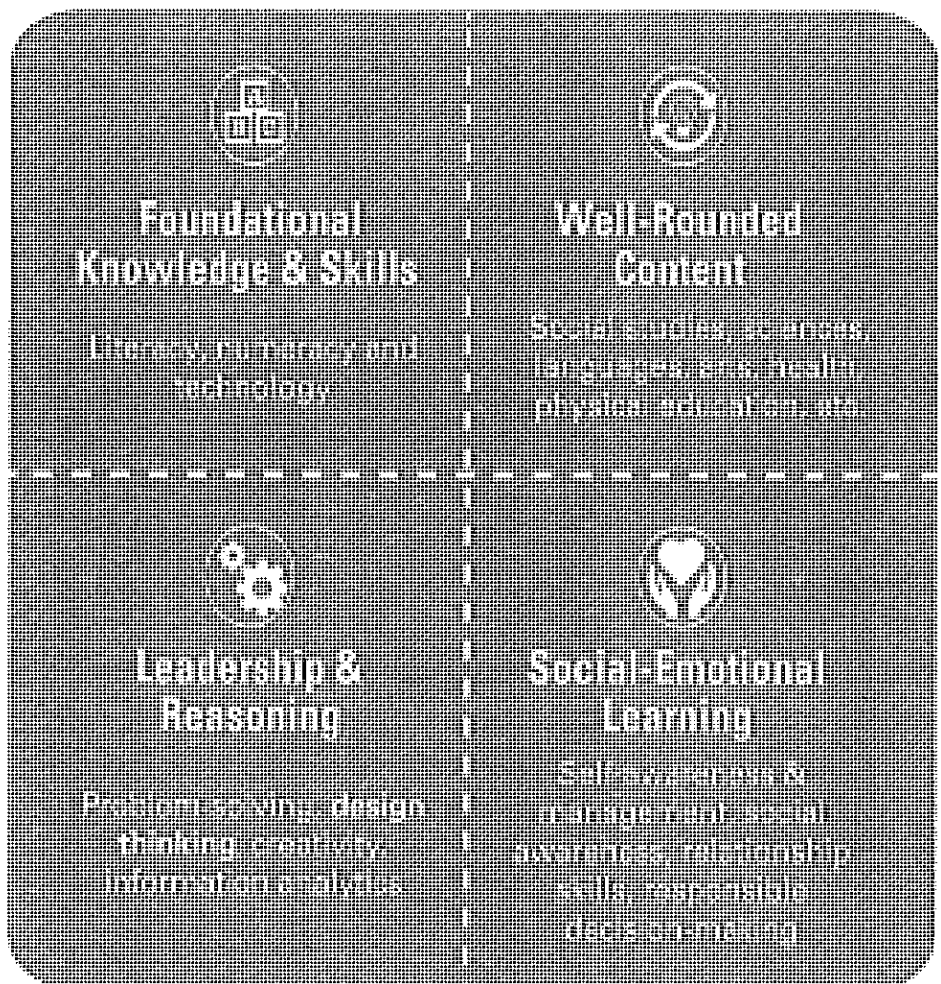


# Four Equal Learning Domains

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.<sup>8</sup> 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.

<sup>8</sup> Cornwell 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 Educators<sup>9</sup> 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.<sup>10</sup> 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.



<sup>9</sup> In this report, excellent educators refer to school leaders, teachers and support staff.

<sup>10</sup> 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.

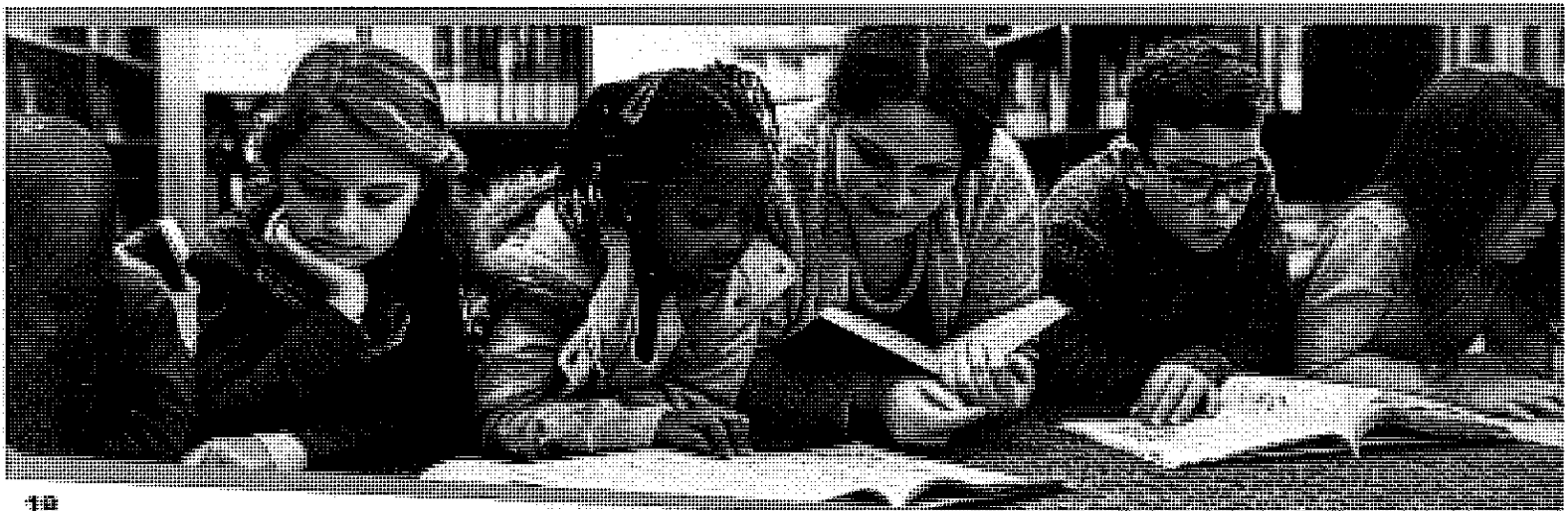
**Moving toward a balanced kindergarten readiness assessment:** The Ohio Department of Education also can move toward a balanced kindergarten readiness assessment that provides useful information about kindergarten readiness, is attentive to implementation barriers and recognizes test administration 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.<sup>11</sup> 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,<sup>12</sup> 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.

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

<sup>12</sup> 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.

### **STEERING COMMITTEE**

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

Rep. Andrew Brenner, Ohio House of Representatives  
 Pat Bruns, State Board of Education  
 Roy Church, Lorain County Community College  
 Melissa Cropper, Ohio Federation of Teachers  
 Julie Davis, Ohio Assoc. of Elementary School Admin.  
 Paolo DeMaria, Ohio Superintendent of Public Instruction

Tess Elshoff, President, State Board of Education  
 Senator Peggy Lehner, Ohio Senate  
 Kara Morgan, State Board of Education  
 Helen Williams, Cleveland Foundation  
 Pat Zerbe, GE Aviation

## **PLAN DEVELOPMENT OVERSIGHT TEAM**

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.

Chad Aldis, Thomas B. Fordham Institute  
Craig Burford, Ohio ESC Association  
Michael Carmack, Ohio Department of Education  
Doug Cohen, Small Business Owner  
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Robert Davis, Ohio Education Association  
Stephanie Dodd, State Board of Education  
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Brittany Halpin, Ohio Department of Education  
Kirk Hamilton, BASA  
Linda Haycock, State Board of Education

Margaret Hess, Ohio Assoc. of Career-Tech. Supt.  
Jennifer Hogue, Ohio School Boards Association  
Pamela King, Ohio Department of Education  
Richard Murray, Coalition of Rural & Appalachian Schools  
Anthony Podojil, Ohio Alliance for High Quality Educ.  
Sheila Ragland, Ohio PTA  
John Richard, Ohio Department of Education  
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Shaun Yoder, Ohio Department of Education

## **WORKGROUPS**

The following five Workgroups identified strategies within their focus areas and informed development of the vision, goal and four equal learning domains.

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Pat Bruns, State Board of Education  
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Linda Jordan, Clark County ESC  
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 Cathye Flory, State Board of Education  
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 Lisa Sullivan, Hilliard City Schools  
 Senator Vernon Sykes, Ohio Senate  
 Michelle Unger, New Albany-Plain Local Schools  
 Tim Villari, Office of Senator Gayle Manning

**HIGH SCHOOL SUCCESS AND POSTSECONDARY CONNECTIONS**

FACILITATOR: LEAH MOSCHELLA, JOBS FOR THE FUTURE

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 Steve Dackin, Columbus State Community College  
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 Dr. Pamela Ellis, Compass College Advisory Center  
 Tanya Ficklin, Cincinnati Public Schools  
 Eric Germann, Vantage Career Center  
 Lisa Gray, Philanthropy Ohio  
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 Lori Michalec, Tallmadge City Schools  
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 Sara Williams, Union-Scioto Schools  
 Bill Wise, South-Western City Schools

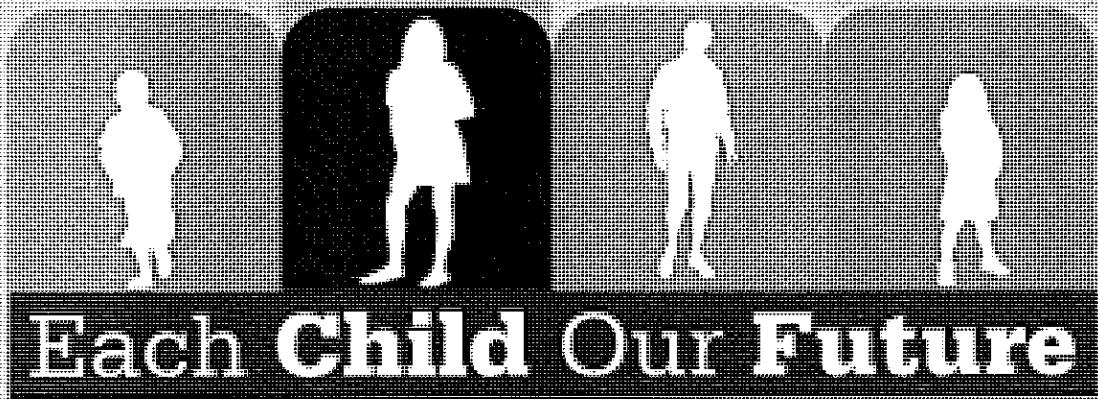
**INDIVIDUAL CONTRIBUTORS**

The following individual contributors offered significant guidance and feedback on the plan during various stages of drafting.

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 David James, Akron Public Schools  
 Jessica Horowitz-Moore, Whitehall City Schools  
 Jayne Burger, Gallipolis City Schools  
 Katherine Prince, KnowledgeWorks







**Ohio** Strategic Plan for Education: 2019-2029

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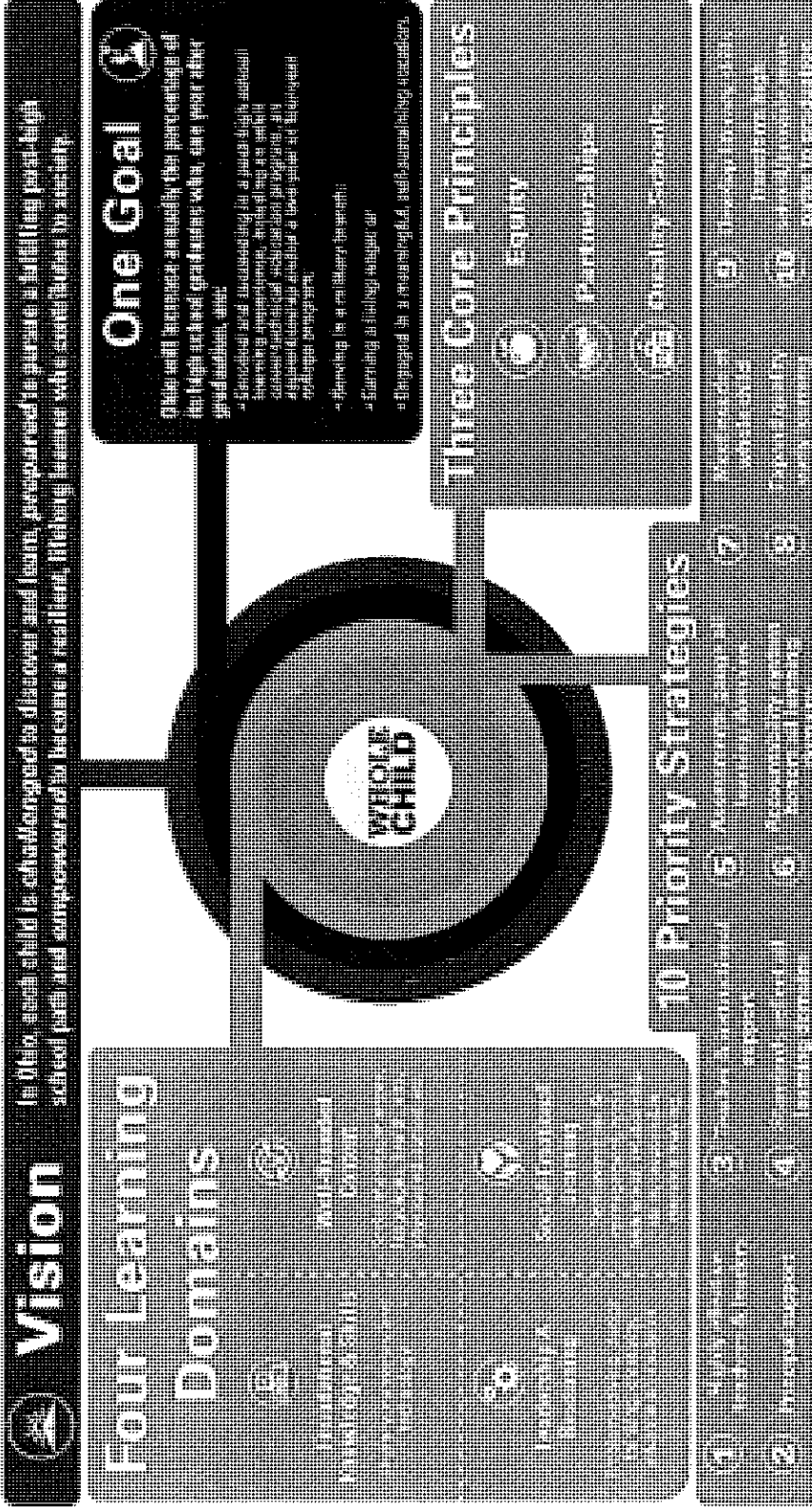


**Ohio** | Department of Education



# #EachChildOurFuture

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



Ohio Strategic Plan For Education: 2019-2024



**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.

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 partners<sup>1</sup> 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.

<sup>1</sup> 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



**Foundations: Knowledge & Skills**

Students will demonstrate proficiency in the Ohio Learning Standards for each grade level.



**Learning & Experiences**

Students will engage in meaningful learning experiences that are relevant to their lives and the world around them.

## One Goal

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

- Enrolled in a postsecondary institution, including apprenticeship, dual credit, or distance learning opportunities
- Employed in a career or industry program, and a representative of a two-year or four-year pathway program
- Enrolled in an industry program
- Enrolled in a high school
- Enrolled in a career, industry, or dual credit program

## Three Core Principles



Equity



Partnerships



Quality Schools

## 10 Priority Strategies

1. **Highly effective teachers & leaders**
2. **Principal support**
3. **Teacher & leader recruitment & retention**
4. **Standards, curriculum, & learning experience**
5. **Assessment, data, & learning**
6. **Accountability system**
7. **Measurement & accountability**
8. **Expanded learning opportunities**
9. **Developability skills**
10. **Expanded learning opportunities**

## 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.


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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:**

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04/19/2021 (/documents/2021/04/19)

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Department of Education (<https://www.federalregister.gov/agencies/education-department>)

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We must receive your comments on or before May 19, 2021.

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[Feedback](#)

## DOCUMENT STATISTICS

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## ENHANCED CONTENT

regulations.gov

## Docket Number:

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## 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) (<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) (<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) (<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**.

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*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 Academics); 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.<sup>[2]</sup>

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.<sup>[6]</sup>

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.”<sup>[7]</sup>

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  
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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) (<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.

You may also access documents of the Department published in the **Federal Register** by using the article search feature at [www.federalregister.gov](http://www.federalregister.gov) (<http://www.federalregister.gov>). Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

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) (<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) (<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) ([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



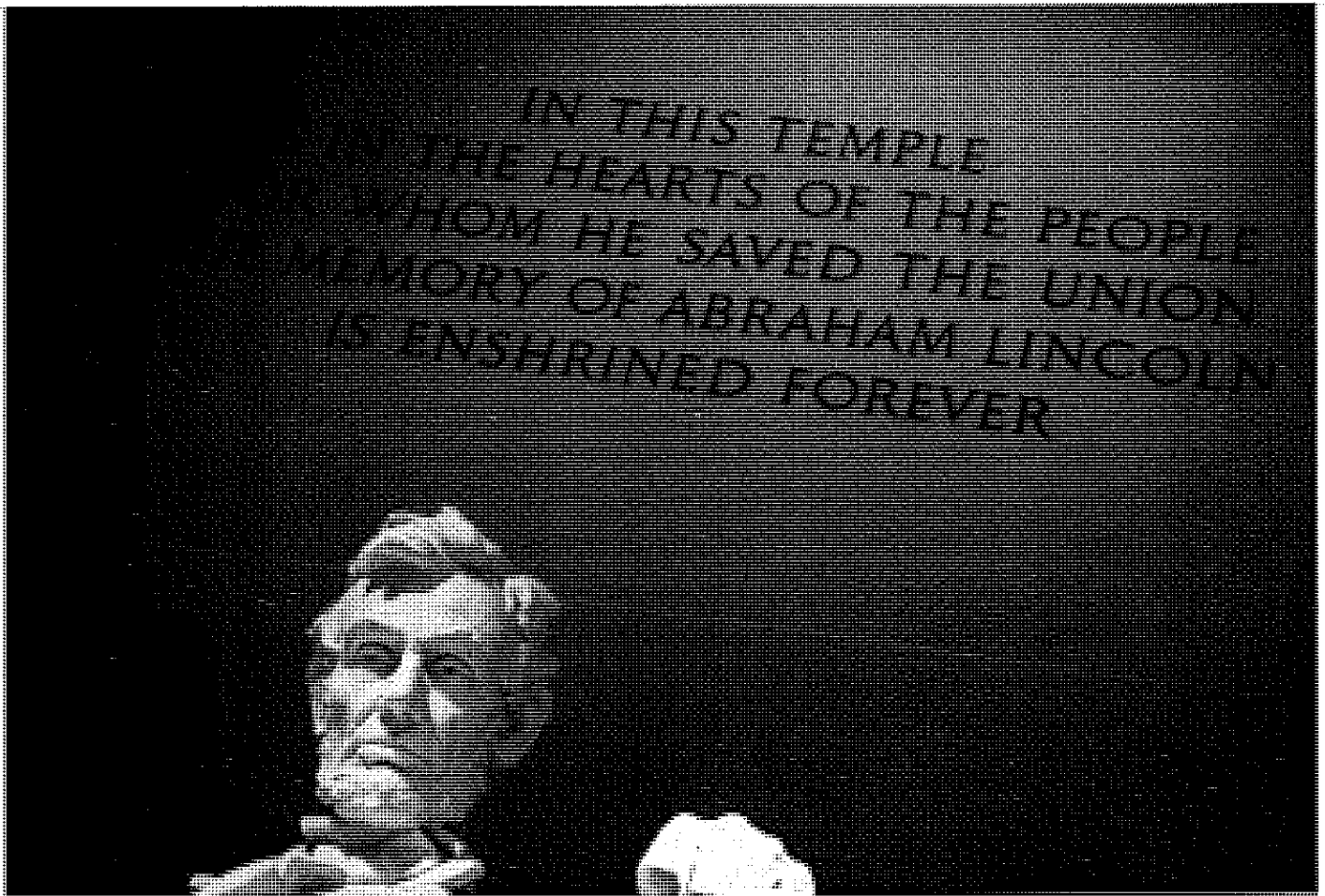
By [Andrew Ujifusa](#) — April 19, 2021 | Corrected: May 03, 2021 ⌚ 6 min read

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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.

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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 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

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- “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, Nikale 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 >*

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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 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)(I) 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 <sup>A</sup>eligible 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 of <sup>[ 29A ]</sup> whether or not a home school is treated as a private school under state <sup>[ 29B ]</sup> 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. <sup>171</sup>

(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:** Rep76  
**Sent:** Tuesday, May 18, 2021 2:01 PM  
**BCC:** 'tomz@wethepeopleconvention.org'; 'tcialella@aol.com'  
**Subject:** CRT Supporting Documents

Good afternoon,

The Speaker of the House would like for us to provide concrete examples of Critical Race Theory that have been implemented and are in action—could you please send me any information you have?

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

**From:** Riggins, Aaron  
**Sent:** Tuesday, May 18, 2021 4:02 PM  
**To:** Rep76  
**Subject:** RE: Grendell CRT One Pager  
**Attachments:** SC2257.pdf

Hi Brandon,

Thanks for sending this over. Attached is an amendment to HB 110 concerning this issue.

If you have any questions, please give me a call at 614-466-8086.

Thanks,

**Aaron Riggins**

Acting Senior Legislative Aide  
2021 LSC Fellow  
State Senator Andrew Brenner  
614-466-8086

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**From:** Rep76@ohiohouse.gov [mailto:Rep76@ohiohouse.gov]  
**Sent:** Monday, May 17, 2021 11:28 AM  
**To:** Riggins, Aaron  
**Subject:** Grendell CRT One Pager

Aaron—one pager with info on the bill attached.

Thanks,

Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell  
Ohio's 76<sup>th</sup> House District



(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

1 In line 118 of the title, after "sections" insert "9.05,"

2 In line 136 of the title, after "3301.233," insert  
3 "3301.26,"

4 In line 137 of the title, after "3313.6026," insert  
5 "3313.6027,"

6 In line 291, after "sections" insert "9.05,"

7 In line 304, after "3301.233," insert "3301.26,"

8 In line 305 of the title, after "3313.6026," insert  
9 "3313.6027,"

10 After line 418, insert:

11 "Sec. 9.05. (A) As used in this section:

12 (1) "Divisive concepts" means concepts in which:

13 (a) One race, sex, religion, or ethnic heritage is  
14 inherently superior to another race, sex, religion, or ethnic  
15 heritage, or that people of one race, sex, religion, or ethnic  
16 heritage are inherently inferior to another race, sex, religion,  
17 or ethnic heritage or are victims of another race, sex,  
18 religion, or ethnic heritage.

19 (b) People and their value are determined by their race,  
20 sex, religion, or ethnic heritage, rather than by their merits  
21 as individuals.

22 (c) A hierarchy of victimhood exists whereby people and  
23 their value are determined by being of a particular race, sex,  
24 religion, ethnic heritage, or other group identity, rather than  
25 their merits as individuals.

26 (d) The United States is fundamentally racist or sexist.

27 (e) An individual, by virtue of the individual's race, sex,  
28 religion, or ethnic heritage, is inherently racist, sexist, or  
29 oppressive, whether consciously or unconsciously.

30 (f) An individual should be discriminated against or  
31 receive adverse treatment solely or partly because of the  
32 individual's race, sex, religion, or ethnic heritage.

33 (g) Members of one race, sex, religion, or ethnic heritage  
34 cannot and should not attempt to treat others without respect to  
35 race, sex, religion, or ethnic heritage.

36 (h) An individual's moral character is necessarily  
37 determined by the individual's race, sex, religion, or ethnic  
38 heritage.

39 (i) An individual, by virtue of the individual's race, sex,  
40 religion, or ethnic heritage, bears responsibility for actions

41 committed in the past by other members of the same race, sex,  
42 religion, or ethnic heritage.

43 (j) Any individual should feel discomfort, guilt, anguish,  
44 or any other form of psychological distress on account of the  
45 individual's race, sex, religion, or ethnic heritage.

46 (k) Meritocracy, or traits such as a hard work ethic, are  
47 racist or sexist or were created by a particular race to oppress  
48 another race.

49 (l) Any other form of race, sex, religion, or ethnic  
50 heritage stereotyping or any other form of race, sex, religion,  
51 or ethnic heritage scapegoating.

52 (2) "Race, sex, religion, or ethnic heritage stereotyping"  
53 means ascribing character traits, values, moral and ethical  
54 codes, privileges, status, or beliefs to a race, sex, religion,  
55 or ethnic heritage, or to an individual because of the  
56 individual's race, sex, religion, or ethnic heritage.

57 (3) "Race, sex, religion, or ethnic heritage scapegoating"  
58 means assigning fault, blame, or bias to a race or sex, or to  
59 members of a race, sex, religion, or ethnic heritage because of  
60 their race, sex, religion, or ethnic heritage. It also includes  
61 any claim that, consciously or unconsciously, and by virtue of  
62 an individual's race, sex, religion, or ethnic heritage, members

63 of any race, sex, religion, or ethnic heritage are inherently  
64 racist or are inherently inclined to oppress others.

65 (B) The departments of education and higher education, any  
66 public school, and any state institution of higher education, as  
67 defined in section 3345.011 of the Revised Code, that promotes  
68 race, sex, religion, or ethnic heritage stereotyping or  
69 scapegoating shall not receive or accept federal, state, or  
70 private funding, including funding from grants, and state  
71 funding shall not be used by either department, any public  
72 school, or any state institution of higher education if it  
73 promotes divisive concepts."

74 After line 22874, insert:

75 "Sec. 3301.26. (A) As used in this section:

76 (1) "Divisive concepts means both of the following:

77 (a) The concepts described in divisions (A) (1) (a) to (1) of  
78 section 9.05 of the Revised Code;

79 (b) Equity requires equality of outcomes for members of one  
80 group compared to another group, rather than requiring equality  
81 of opportunity.

82 (2) "Race, sex, religion, or ethnic heritage stereotyping"  
83 and "race, sex, religion, or ethnic heritage scapegoating" have  
84 the same meanings as in section 9.05 of the Revised Code.

85       (B) (1) The state board of education and the department of  
86 education shall not promote race, sex, religion, or ethnic  
87 heritage stereotyping or scapegoating in schools.

88       (2) The state board and the department shall actively and  
89 publicly discourage school districts, community schools  
90 established under Chapter 3314. of the Revised Code, STEM  
91 schools established under Chapter 3326. of the Revised Code, and  
92 college-preparatory boarding schools established under Chapter  
93 3328. of the Revised Code from adopting and teaching curricula  
94 that promote divisive concepts.

95       (C) (1) The state board and the department shall not permit  
96 state, local, or private funding, including funding from grants,  
97 to be used for either of the following purposes:

98       (a) The promotion of race, sex, religion, or ethnic  
99 heritage stereotyping or scapegoating in schools;

100       (b) The adoption and teaching of curricula that promote  
101 divisive concepts.

102       (2) The state board and the department shall not solicit,  
103 accept, or receive any state, local, or private funding,  
104 including funding from grants, to teach or promote divisive  
105 concepts.

106       (3) The state board and the department shall not accept  
107 federal funding granted for the purposes of divisions (C)(1) and  
108 (2) of this section.

109       (D) The state board and the department shall not engage  
110 organizations or trainers, or receive materials from  
111 organizations or trainers, that teach or promote divisive  
112 concepts, regardless of whether such organizations, trainers, or  
113 materials are made available at no cost to the department of  
114 education.

115       (E) The department shall not send to, or offer to send to,  
116 school district boards of education, community schools, STEM  
117 schools, college-preparatory boarding schools, teachers, and  
118 members of the public, including those members of the public who  
119 register to receive communications from the department, any  
120 print or electronic communications that promote divisive  
121 concepts.

122       (F) No employee of the state board or the department shall,  
123 while appearing in the employee's official capacity in any  
124 public forum, whether in person or electronically, promote the  
125 teaching of divisive concepts in schools in this state.

126       (G) Not later than ten days after the effective date of  
127 this section, the department shall remove all materials on its



128 web site, and all information and links within materials on its  
129 web site, that promote divisive concepts.

130 (H) Not later than six months after the effective date of  
131 this section and every six months thereafter, the superintendent  
132 of public instruction shall deliver a report detailing the state  
133 board's and the department's implementation of and compliance  
134 with this section and the compliance of school districts,  
135 community schools, STEM schools, and college-preparatory  
136 boarding schools with section 3313.6027 of the Revised Code to  
137 all of the following:

138 (1) Each member of the state board;

139 (2) The chairperson of the standing committee of the house  
140 of representatives that considers legislation regarding primary  
141 and secondary education;

142 (3) The chairperson of the standing committee of the senate  
143 that considers legislation regarding primary and secondary  
144 education."

145 After line 24916, insert:

146 "Sec. 3313.6027. (A) As used in this section:

147 (1) "Divisive concepts means both of the following:

148 (a) The concepts described in divisions (A) (1) (a) to (1) of  
149 section 9.05 of the Revised Code;

150 (b) Equity requires equality of outcomes for members of one  
151 group compared to another group, rather than requiring equality  
152 of opportunity.

153 (2) "Race, sex, religion, or ethnic heritage stereotyping"  
154 and "race, sex, religion, or ethnic heritage scapegoating" have  
155 the same meanings as in section 9.05 of the Revised Code.

156 (B) (1) No school district shall promote race, sex,  
157 religion, or ethnic heritage stereotyping or scapegoating.

158 (2) Each school district shall actively and publicly  
159 discourage schools in the district and teachers employed by the  
160 district from adopting and teaching curricula that promote  
161 divisive concepts.

162 (C) (1) No school district shall spend federal, state,  
163 local, or private funds or grants for either of the following  
164 purposes:

165 (a) The promotion of race, sex, religion, or ethnic  
166 heritage stereotyping or scapegoating in schools;

167 (b) The adoption and teaching of curricula that promote  
168 divisive concepts.

169 (2) No school district shall solicit, accept, or receive  
170 any federal, state, local, or private funding, including funding  
171 from grants, to teach or promote divisive concepts.

172 (D) No school district or employee of a school district  
173 shall engage organizations or trainers, or receive materials  
174 from organizations or trainers, that teach or promote divisive  
175 concepts, regardless of whether such organizations, trainers, or  
176 materials are made available at no cost to the department of  
177 education or to a school district or employee."

178 In line 27428, after "3313.6026," insert "3313.6027,"

179 In line 35087, after "3313.6026," insert "3313.6027,"

180 In line 36093, after "3313.6026," insert "3313.6027,"

181 The motion was \_\_\_\_\_ agreed to.

182 SYNOPSIS

183 **Teaching and promoting certain topics regarding race, sex,**  
184 **religion, and ethnic heritage in public schools**

185 **R.C. 3301.26 and 3313.6027; conforming changes in**  
186 **R.C. 3314.03, 3326.11, and 3328.24**

187 Prohibits the State Board of Education, the Department of  
188 Education, and public schools (school districts, community  
189 schools, STEM schools, and college-preparatory boarding schools)  
190 from promoting "race, sex, religion, or ethnic heritage  
191 stereotyping or scapegoating."

192 Requires the State Board and the Department to actively and  
193 publicly discourage school districts and schools from adopting  
194 and teaching curricula that promote "divisive concepts."

195 Requires each school district to actively and publicly  
196 discourage schools in the district from adopting and teaching  
197 curricula that promote "divisive concepts."

198 Requires each school district and school to actively and  
199 publicly discourage teachers employed by the district or school  
200 from adopting and teaching curricula that promote "divisive  
201 concepts."

202 Prohibits the State Board and the Department from  
203 permitting federal, state, local, or private funding, including  
204 funding from grants, to be used for either of the following  
205 purposes:

206 (1) The promotion of "race, sex, religion, or ethnic  
207 heritage stereotyping or scapegoating" in schools;

208 (2) The adoption and teaching of curricula that promote  
209 "divisive concepts."

210 Prohibits a public school from spending state, local, or  
211 private funds or grants for the purposes described above.

212 Prohibits the state board and the department from accepting  
213 federal funding granted for the purposes described above.

214 Prohibits the State Board, the Department, or a public  
215 school from soliciting, accepting, or receiving any federal,  
216 state, local, or private funding, including funding from grants,  
217 to teach or promote "divisive concepts."

218 Prohibits the State Board, the Department, school districts  
219 and their employees, and schools and their employees from  
220 engaging organizations or trainers, or receiving materials from  
221 organizations or trainers, that teach or promote "divisive  
222 concepts," regardless of whether such organizations, trainers,  
223 or materials are made available at no cost to the Department.

224 Prohibits the Department from sending, or offering to send  
225 to, public schools, teachers, and members of the public,  
226 including those members of the public who register to receive  
227 communications from the Department, any print or electronic  
228 communications that promote "divisive concepts."

229 Prohibits an employee of the State Board or the Department,  
230 while appearing in his or her official capacity in any public  
231 forum, whether in person or electronically, from promoting the  
232 teaching of "divisive concepts" in schools in this state.

233 Requires the Department, not later than ten days after the  
234 provision's effective date, to remove all materials on its web  
235 site, and all information and links within materials on its web  
236 site, that promote "divisive concepts."

237 Requires the Superintendent of Public Instruction, not  
238 later than six months after the provision's effective date and  
239 every six months thereafter, to deliver a report detailing the  
240 State Board's and the Department's implementation of and  
241 compliance with each of the amendment's provisions and the  
242 compliance of public schools with each of the amendment's  
243 provisions to all of the following:

244 (1) Each member of the State Board;

245 (2) The chairperson of the standing committee of the House  
246 of Representatives that considers legislation regarding primary  
247 and secondary education;

248 (3) The chairperson of the standing committee of the Senate  
249 that considers legislation regarding primary and secondary  
250 education.

251 Specifies that "divisive concepts" means the concepts that:

252 (1) One race, sex, religion, or ethnic heritage is  
253 inherently superior to another race, sex, religion, or ethnic  
254 heritage, inherently inferior to another race, sex, religion, or  
255 ethnic heritage, or victims of another race, sex, religion, or  
256 ethnic heritage.

257 (2) People and their value are determined by their race,  
258 sex, religion, or ethnic heritage, rather than by their merits  
259 as individuals.

260 (3) A hierarchy of victimhood exists whereby people and  
261 their value are determined by their being of a particular race,  
262 sex, religion, ethnic heritage, or other group identity, rather  
263 than their merits as individuals.

264 (4) The United States is fundamentally racist or sexist.

265 (5) An individual, by virtue of his or her race, sex,  
266 religion, or ethnic heritage is inherently racist, sexist, or  
267 oppressive, whether consciously or unconsciously.

268 (6) An individual should be discriminated against or  
269 receive adverse treatment solely or partly because of his or her  
270 race, sex, ethnic religion, or ethnic heritage.

271 (7) Members of one race, sex, religion, or ethnic heritage  
272 cannot and should not attempt to treat others without respect to  
273 race, sex, religion, or ethnic heritage.

274 (8) An individual's moral character is necessarily  
275 determined by his or her race, sex, religion, or ethnic  
276 heritage.

277 (9) An individual, by virtue of his or her race, sex,  
278 religion, or ethnic heritage, bears responsibility for actions  
279 committed in the past by other members of the same race, sex,  
280 religion, or ethnic heritage.

281 (10) Any individual should feel discomfort, guilt, anguish,  
282 or any other form of psychological distress on account of his or  
283 her race, sex, religion, or ethnic heritage.

284 (11) Meritocracy or traits such as a hard work ethic are  
285 racist or sexist or were created by a particular race to oppress  
286 another race.

287 (12) Equity requires equality of outcomes for members of  
288 one group compared to another group, rather than requiring  
289 equality of opportunity.

290 (13) Any other form of race, sex, religion, or ethnic  
291 heritage stereotyping or any other form of race, sex, religion,  
292 or ethnic heritage scapegoating.

293 Specifies that "race, sex, religion, or ethnic heritage  
294 stereotyping" means ascribing character traits, values, moral  
295 and ethical codes, privileges, status, or beliefs to a race,  
296 sex, religion, or ethnic heritage, or to an individual because  
297 of the individual's race, sex, religion, or ethnic heritage.

298 Specifies that "race, sex, religion, or ethnic heritage  
299 scapegoating" means assigning fault, blame, or bias to a race or  
300 sex or to members of a race, sex, religion, or ethnic heritage  
301 because of their race, sex, religion, or ethnic heritage. It  
302 also includes any claim that consciously or unconsciously, and  
303 by virtue of their race, sex, religion, or ethnic heritage,

304 members of any race, sex, religion, or ethnic heritage are  
305 inherently racist or are inherently inclined to oppress others.

306       **Funding for the Departments of Education and Higher**  
307 **Education, public schools, and state institutions of higher**  
308 **education**

309       **R.C. 9.05**

310       Prohibits funding from any source to be directed toward or  
311 received by the Departments of Education and Higher Education,  
312 any public school, and any state institution of higher education  
313 that promotes "divisive concepts."

314       Specifies that "divisive concepts" has the same meaning  
315 described above except that it does not include the concept that  
316 "equity requires equality of outcomes for members of one group  
317 compared to another group, rather than requiring equality of  
318 opportunity."

**From:** TomZ@wethepeopleconvention.org  
**Sent:** Tuesday, May 18, 2021 5:14 PM  
**To:** Rep76  
**CC:** Mrs. Diane Stover  
**Subject:** Re: CRT Supporting Documents  
**Attachments:** Branching Out Nov. 2020.pdf

Congressman Grendell,

Here is an example of a public school implementing Critical Race Theory. Attached you will find a PDF of a newsletter from the Principle of the Kent City Schools. On the bottom of the second page you will see that he said:

"we will have anti-racism training to examine our organizational structure, systems, policies, practices, and attitudes. Anti-racism training will allow us to self reflect and grow as an equitable and inclusive school community. Based on the advice of a task force consultant, we decided to read New York Times bestseller, *White Fragility*. Just as this was a starting point for our task force, we felt strongly it would be a great read for our entire staff. Fortunately, media specialist, Mrs. Flaherty, was able to secure a grant enabling us to purchase a book for each staff member. We began our staff book discussions in mid October."

As this article from the highly respected City Journal points out, White Fragility itself is a Racist Idea, and the book, which Kent City Schools is giving to every staff member to read, is directly tied to the flawed marxist Critical Race Theory. It is totally inappropriate for the school to suggest that this clearly flawed book should be read by their entire staff and used to change their behavior toward students, parents and each other. It should be noted that they did not suggest that the staff read any of the books listed in this article from the Federalist which would provide some perspective on the topic of race instead of just pushing a marxist agenda.

I have copied Diane Stover on this email because her organization, Ohio Value Voters, has collected some videos and other documents from other schools across the state. Hopefully she can provide those to you to give to the Speaker of the House. I will also try to send you some additional examples as well.

Tom Zawistowski  
President  
We the People Convention  
P.O. Box 6211  
Akron, OH 44312  
330-592-1848 Cell

On May 18, 2021, at 2:01 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Good afternoon,

The Speaker of the House would like for us to provide concrete examples of Critical Race Theory that have been implemented and are in action—could you please send me any information you have?

Sincerely,

<image001.png>



E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)

P: 614.644.5088

November 2020

Dear Students, Parents, and Friends of Theodore Roosevelt High School,

I know this is not the school year anyone anticipated or wished for, yet, there is still much for which we are thankful. Many students, staff, and parents continue to be amazing. Throughout the state there are so many different approaches high schools are taking to safely educate students. It can range anywhere from five days a week of in-person classes to fully remote. We would love to have students in class five days a week but we understand that right now, the blended learning schedule is the safest for the Roosevelt learning community. We are currently working hard to continue implementing the best possible blended learning model. We appreciate everyone's patience and support as we move through uncharted territory.

We cannot stress enough how important it is to communicate with one another. Our staff is great when it comes to returning phone calls or emails. During the last few weeks of the grading period many teachers called parents or guardians of students who were struggling in class. We will also communicate with you through the [Roosevelt Website](#), [Final Forms](#), the Remind application, and [Progress Book](#).

Report cards are posted on Progress Book. If you are having trouble logging in, please contact Mrs. Harris at 330-676-8700 or [nharris@kentschoolnet](mailto:nharris@kentschoolnet) or use this [Progress Book link](#). You may also contact your student's counselor:

9th Grade -- **Tasha Slay** -- [tslay@kentschools.net](mailto:tslay@kentschools.net) or 330 676-8727

10th Grade -- **Aaron Carlton** -- [acarlton@kentschools.net](mailto:acarlton@kentschools.net) or 330 676-8726

11th Grade -- **Jessica Evanson** -- [jevanson@kentschools.net](mailto:jevanson@kentschools.net) at 330 676-8725

12th Grade -- **Jen Skvarch** -- [jskvarch@kentschools.net](mailto:jskvarch@kentschools.net) at 330 676-8724

Some very good news includes our proud [induction of 53 new students into the National Honor Society](#). Students accepted into this prestigious group must learn at high levels, exhibit leadership characteristics, serve others and be of strong character.

Our 2020 Homecoming festivities were quite different this year, but Student Council and Boosters were still able to host the presentation of our 2020 Homecoming Court and a virtual DJ. Congratulations to the **2020 Homecoming Court students**, who were recognized at the TRHS Stadium presentation on Saturday, October 17:

#### **UNDERCLASSMEN**

**Freshman Attendants** -- *Bronwyn Stewart & Ronald Spears*

**Sophomore Attendants** -- *Katie Keller & Cayden Foreman*

**Junior Attendants** -- *Skylar Benedik & Luke Jenkins*

#### **SENIORS**

**Senior KING Candidates:** *John Burroughs, Patrick Gallagher, Josh Hldo, Josh Thompson, Andrew Valetta*

**Senior QUEEN Candidates:** *Ava Bozich, Tala Ghumrawi, Jillian Hanna, Kaylie Loughry, Cassie McCoy, Maggie Oldham*

Seniors **John Burroughs** and **Maggie Oldham** were crowned King and Queen, respectively. Later that evening, all students were invited to attend the virtual dance, hosted by Roosevelt grad, **Omara Kazadi-Abe (DJ OK)**.

A special congratulations to all our marching band members, cheerleaders, our fall athletes, music directors, coaches and trainers. All of these people went far above and beyond expectations in an effort to make the fall season as normal as possible. Every game or match we were able to participate in was a gift. Thank you to all of our fall sports senior captains and drum majors.

- CHEER -- **Ava Bozich, Makhia Friedman, Hailey Park, & Taryn Thomas**
- CROSS COUNTRY -- **Katelyn Moisio and Ezra Turner**
- FIELD HOCKEY -- **Gabby Finelli, Tala Ghumrawi & Ryan Rhinehart**
- FOOTBALL -- no captains
- BOYS GOLF -- **Gavin Markham**
- GIRLS GOLF -- **Sydney Leavery, Isabella Mineo & Maren Seaholts**
- BOYS SOCCER -- **Johnny Burroughs, Josh Hido & Phillip Vorhauer**
- GIRLS SOCCER -- **Kassidy Fischer, Ava Mathys & Maggie Oldham**
- TENNIS -- **Julia Hofstetter & Cherilyn Kowalski**
- VOLLEYBALL -- **Faith Kaminski, Megan Moser, Jillian Hanna, Andrya Hanmore & Alexis Hanmore**
- DRUM MAJORS -- **Madison Walker & Mathias Broyles**

A special shout out to Junior **Maren Seaholts** who qualified to participate in the OHSAA Women's State Golf Tournament.

Recently the Portage County Commissioners declared racism a public health crisis in our county. Racism is and has been an issue in our city, county, and country. This summer we began work on creating an Equity and Inclusion Task Force for Theodore Roosevelt High School. The goal is to create an environment where students and staff of color feel respected, safe, and have the opportunity to thrive. In order for this to happen, we will have anti-racism training to examine our organizational structure, systems, policies, practices, and attitudes. Anti-racism training will allow us to self reflect and grow as an equitable and inclusive school community. Based on the advice of a task force consultant, we decided to read New York Times bestseller, *White Fragility*. Just as this was a starting point for our task force, we felt strongly it would be a great read for our entire staff. Fortunately, media specialist, Mrs. Flaherty, was able to secure a grant enabling us to purchase a book for each staff member. We began our staff book discussions in mid October.

#### Important Upcoming Dates:

- **Tuesday, November 11 & Wednesday, November 11** -- Picture Retakes (during lunch periods)
- **Tuesday, November 24** -- Parent/Teacher Conferences
- **Wednesday, November 25-27** -- Thanksgiving Break -- NO SCHOOL

Respectfully,  
Dennis Love, TRHS Principal

**From:** Schmidt, Jean

**Sent:** Tuesday, May 18, 2021 5:30 PM

**To:** Rep76

**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 will co-sponsor.

Jean

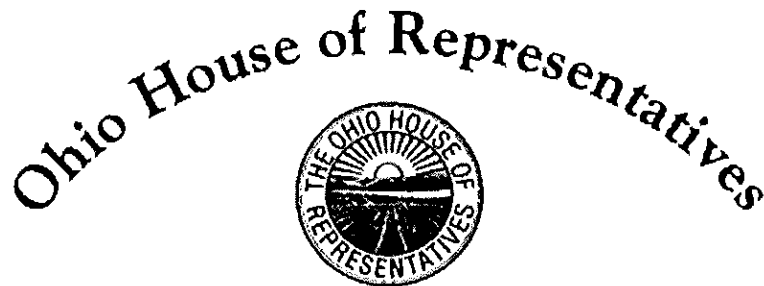
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**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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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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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**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

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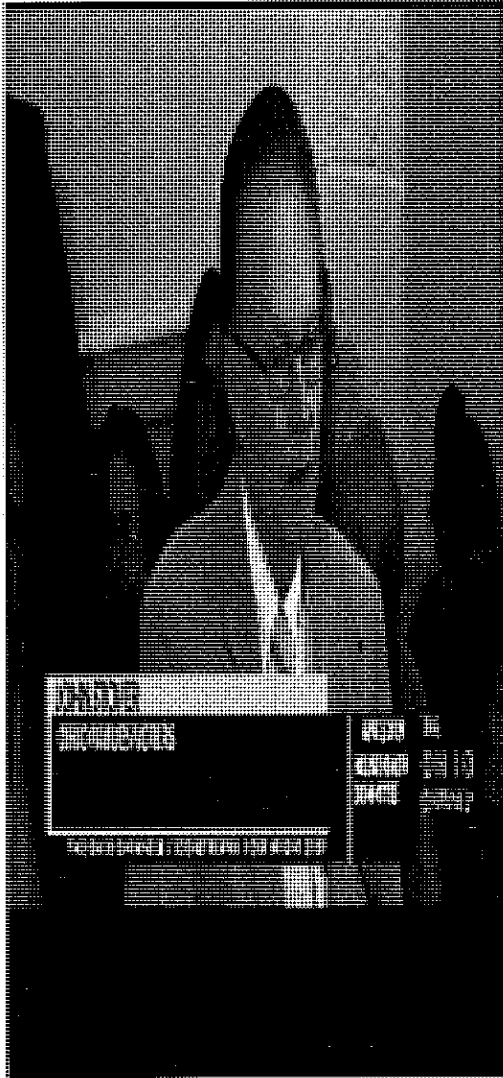
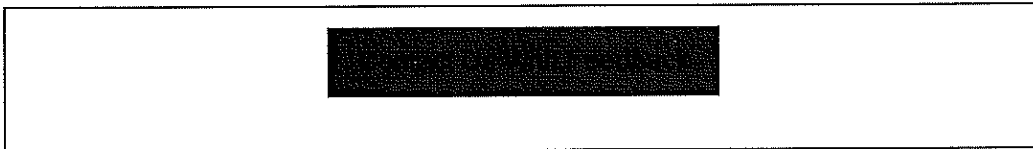
A resolution declaring Ohio and its education system as systemically racist against blacks, indigenous people and people of color and in need of internal examination, correction for achievement gaps, disparate discipline, white privilege, white supremacy, cultural insensitivity, hate speech and implicit 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



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[Unsubscribe jstover1@aol.com](mailto:jstover1@aol.com)

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Sent by [diane@ohiovaluevoters.org](mailto:diane@ohiovaluevoters.org) powered by



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**From:** Rep76

**Sent:** Wednesday, May 19, 2021 8:43 AM

**To:** Schmidt, Jean

**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. Schmidt—you have been added as a cosponsor. Rep. Grendell appreciates your support!

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

**From:** Schmidt, Jean <Jean.Schmidt@ohiohouse.gov>

**Sent:** Tuesday, May 18, 2021 5:30 PM

**To:** Rep76 <Rep76@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 will co-sponsor.

Jean

**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



**Diane V. Grendell**  
**State Representative**  
**Ohio House District 76**

**From:** Rep76  
**Sent:** Wednesday, May 19, 2021 8:49 AM  
**To:** 'TomZ@wethepeopleconvention.org'  
**Subject:** RE: CRT Supporting Documents

Tom,

Thank you very much for this information--- it is very helpful.

Sincerely,

Diane Grendell

---

**From:** TomZ@wethepeopleconvention.org <tomz@wethepeopleconvention.org>  
**Sent:** Tuesday, May 18, 2021 5:14 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Cc:** Mrs. Diane Stover <dianestover@aol.com>  
**Subject:** Re: CRT Supporting Documents

Congressman Grendell,

Here is an example of a public school implementing Critical Race Theory. Attached you will find a PDF of a newsletter from the Principle of the Kent City Schools. On the bottom of the second page you will see that he said:

"we will have anti-racism training to examine our organizational structure, systems, policies, practices, and attitudes. Anti-racism training will allow us to self reflect and grow as an equitable and inclusive school community. Based on the advice of a task force consultant, we decided to read New York Times bestseller, *White Fragility*. Just as this was a starting point for our task force, we felt strongly it would be a great read for our entire staff. Fortunately, media specialist, Mrs. Flaherty, was able to secure a grant enabling us to purchase a book for each staff member. We began our staff book discussions in mid October."

As this article from the highly respected City Journal points out, White Fragility itself is a Racist Idea, and the book, which Kent City Schools is giving to every staff member to read, is directly tied to the flawed marxist Critical Race Theory. It is totally inappropriate for the school to suggest that this clearly flawed book should be read by their entire staff and used to change their behavior toward students, parents and each other. It should be noted that they did not suggest that the staff read any of the books listed in this article from the Federalist which would provide some perspective on the topic of race instead of just pushing a marxist agenda.

I have copied Diane Stover on this email because her organization, Ohio Value Voters, has collected some videos and other documents from other schools across the state. Hopefully she can provide those to you to give to the Speaker of the House. I will also try to send you some additional examples as well.

Tom Zawistowski  
President  
We the People Convention  
P.O. Box 6211  
Akron, OH 44312

330-592-1848 Cell

On May 18, 2021, at 2:01 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Good afternoon,

The Speaker of the House would like for us to provide concrete examples of Critical Race Theory that have been implemented and are in action—could you please send me any information you have?

Sincerely,

<image001.png>

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)

P: 614.644.5088

**From:** Aria Janel  
**Sent:** Wednesday, May 19, 2021 8:54 AM  
**To:** Rep76  
**Subject:** Re: 19 News request

Hello Rep. Grendell,

Just wanted to circle back with you on this interview request. I already have an interview signed up with another person for the story on your bill targeting divisive topics in the classroom. But I wanted to make sure the story is as balanced as possible and give you a chance to talk. Please let me know if you are free anytime today or tomorrow.

Thanks,  
**Aria Janel**  
*MMJ / Reporter*  
Cell Phone: 216.317.2533

Social Media: @AriaJanelTV



On May 17, 2021, at 8:55 AM, Aria Janel <aria.janel@woio.com> wrote:

Representative Grendell,

My name is Aria Janel and I am a reporter for 19 News in Cleveland.

I am emailing you to see if you might have some time to do a zoom interview with us Wednesday morning.

We are hoping to do a story about the bill you are looking to get co-sponsored dealing with education and divisive topics.

Is this something you could do?

Thank you in advance for your time and hope to hear from you soon.

**Aria Janel**  
*MMJ / Reporter*  
Cell Phone: 216.317.2533  
Social Media: @AriaJanelTV  
<Outlook-3woljjmh.png>

**From:** Rep76

**Sent:** Wednesday, May 19, 2021 12:21 PM

**To:** 'jstover1'; 'kathyphiljohnson@yahoo.com'; 'mike@b-simple.com'

**Subject:** CRT Bill and Cosponsors

**Attachments:** l\_134\_1448-1.pdf; Cosponsor List - Prohibit Divisive Teaching Concepts.docx

Mike, Kathy, and John,

Sincerest thanks for your assistance and participation in today's roundtable. As promised, attached is a copy of Rep. Grendell's draft along with the current cosponsors.

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> 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



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

(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



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 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 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

of the school;	389
(5) Internal financial controls.	390
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.	391 392 393 394
(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.	395 396 397 398 399 400 401 402 403 404
(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:	405 406 407 408 409
(1) Monitor the community school's compliance with all laws applicable to the school and with the terms of the contract;	410 411 412
(2) Monitor and evaluate the academic and fiscal performance and the organization and operation of the community school on at least an annual basis;	413 414 415
(3) Report on an annual basis the results of the evaluation conducted under division (D) (2) of this section to	416 417

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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494  
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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

## Cosponsor List – Prohibit Divisive Teaching

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

**From:** jstover1@aol.com  
**Sent:** Wednesday, May 19, 2021 12:49 PM  
**To:** Rep76  
**Subject:** Re: CRT Bill and Cosponsors

Hello Brandon,

What is the bill name for reference purposes?

Thank you.

-----Original Message-----

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**To:** 'jstover1' <jstover1@aol.com>; 'kathyphilpjohnson@yahoo.com' <kathyphilpjohnson@yahoo.com>; 'mike@b-simple.com' <mike@b-simple.com>  
**Sent:** Wed, May 19, 2021 12:20 pm  
**Subject:** CRT Bill and Cosponsors

Mike, Kathy, and John,

Sincerest thanks for your assistance and participation in today's roundtable. As promised, attached is a copy of Rep. Grendell's draft along with the current cosponsors.

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
<http://www.ohiohouse.gov/diane-grendell>

**From:** jstover1@aol.com

**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; l\_134\_1448-1.pdf

**Follow Up Flag:** Flag for follow up

**Flag Status:** Flagged

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;

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This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

- 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*.<sup>1</sup> 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.<sup>2</sup>

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.”<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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."<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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."<sup>10</sup>

## 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.<sup>11</sup> 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.<sup>12</sup>

## 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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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.”<sup>16</sup>

“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.<sup>17</sup> 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.<sup>18</sup>

**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.<sup>19</sup>

**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.<sup>20</sup>

**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.”<sup>21</sup>**

**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.<sup>22</sup>

## 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.”<sup>23</sup> 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 wooly 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.”<sup>24</sup> Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”<sup>25</sup>

**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.<sup>26</sup>

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.”<sup>27</sup> 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.”<sup>28</sup> 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.”<sup>29</sup>

Of the three critical schools of thought analyzed here,<sup>30</sup> 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.<sup>31</sup> 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.”<sup>32</sup>

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.<sup>33</sup> 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.”<sup>34</sup> 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.<sup>35</sup>

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."<sup>36</sup> Thus we arrive at today's cancel culture.<sup>37</sup>

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.”<sup>38</sup> 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.”<sup>39</sup> “The concepts of rights is indeterminate, vague and disutile,” in Bell’s words.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup>

“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.<sup>43</sup> 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.”<sup>44</sup> 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.”<sup>45</sup>

## 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.<sup>46</sup> 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”).<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>

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.”<sup>53</sup> 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.<sup>54</sup>

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,”<sup>55</sup> 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.)<sup>56</sup>

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.<sup>57</sup> 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.”<sup>58</sup>

**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.<sup>59</sup> 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.”<sup>60</sup>

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.<sup>61</sup> 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.”<sup>62</sup> 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.”<sup>63</sup> According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders “support the Black Lives Matter movement.”<sup>64</sup> 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,”<sup>65</sup> 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.<sup>66</sup>

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.”<sup>67</sup> 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.<sup>68</sup>



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.<sup>69</sup> 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.”<sup>70</sup> 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.<sup>71</sup>

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.”<sup>72</sup> 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.<sup>73</sup> The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”<sup>74</sup>

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.<sup>75</sup> 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.<sup>76</sup>

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.<sup>77</sup> 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.”<sup>78</sup>

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.”<sup>79</sup> 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.<sup>80</sup>

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.<sup>81</sup> 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.”<sup>82</sup>

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.”<sup>83</sup>

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.<sup>84</sup> 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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup> 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.<sup>88</sup>

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.”<sup>89</sup> 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.<sup>90</sup> 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).<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

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.”<sup>95</sup> 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.”<sup>96</sup>

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.<sup>97</sup>

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.”<sup>98</sup> The highest court has not yet ruled specifically against disparate impact.<sup>99</sup>

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.<sup>100</sup> 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.<sup>101</sup>

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.<sup>102</sup> In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and LGBTQ 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.<sup>103</sup>

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.<sup>104</sup> Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.<sup>105</sup>

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.<sup>106</sup> 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.<sup>107</sup>

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.<sup>108</sup> 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.<sup>109</sup>

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.<sup>110</sup> 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.<sup>111</sup>

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.<sup>112</sup> 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.”<sup>113</sup> 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-Berkeley in 2017).<sup>114</sup> 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.”<sup>115</sup> Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.<sup>116</sup> 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.”<sup>117</sup>



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.<sup>118</sup> 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."<sup>119</sup>

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."<sup>120</sup> 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.<sup>121</sup>

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."<sup>122</sup> 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.<sup>123</sup>

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.”<sup>124</sup> 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.”<sup>125</sup> Again, remember CRT founder Derrick Bell’s comment cited earlier in this *Background* 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.”<sup>126</sup>

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.”<sup>127</sup>

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”<sup>128</sup> 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.”<sup>129</sup>

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.”<sup>130</sup> 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.<sup>131</sup>

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”<sup>132</sup> 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.”<sup>133</sup> 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.”<sup>134</sup>

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.<sup>135</sup> 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.”<sup>136</sup> 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.<sup>137</sup>

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.’”<sup>138</sup> 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.”<sup>139</sup> 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.<sup>140</sup>

**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 Emma 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.)<sup>141</sup> 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.<sup>142</sup>

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.<sup>143</sup> Critics have lobbed race-based screeds at actors such as Arnie 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.<sup>144</sup> 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.<sup>145</sup>

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.<sup>146</sup> 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.”<sup>147</sup>
- **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.<sup>148</sup> 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.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> 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.”<sup>152</sup> 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.<sup>153</sup>

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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.”<sup>154</sup>

**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).”<sup>155</sup>

**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.<sup>156</sup>

**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.”<sup>157</sup>

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.<sup>158</sup>

**Equity:** The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”<sup>159</sup>

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.”<sup>160</sup>



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.”<sup>161</sup>

**Intersectionality:** A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”<sup>162</sup>

**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.<sup>163</sup> 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.”<sup>164</sup> 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.”<sup>165</sup> 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.<sup>166</sup>

**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.”<sup>167</sup> 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.”<sup>168</sup>

**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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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



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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

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  
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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

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 XXXVIII 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

(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 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



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  
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:** jstover1@aol.com

**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;

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This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

- 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*.<sup>1</sup> 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.<sup>2</sup>

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.”<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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."<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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."<sup>10</sup>

## 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.<sup>11</sup> 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.<sup>12</sup>

## 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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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.”<sup>16</sup>

“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.<sup>17</sup> 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.<sup>18</sup>

**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.<sup>19</sup>

**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.<sup>20</sup>

**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.”<sup>21</sup>**

**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.<sup>22</sup>

## 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.”<sup>23</sup> 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.”<sup>24</sup> Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”<sup>25</sup>

**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.<sup>26</sup>

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.”<sup>27</sup> 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.”<sup>28</sup> 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.”<sup>29</sup>

Of the three critical schools of thought analyzed here,<sup>30</sup> 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.<sup>31</sup> 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.”<sup>32</sup>

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.<sup>33</sup> 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.”<sup>34</sup> 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.<sup>35</sup>

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."<sup>36</sup> Thus we arrive at today's cancel culture.<sup>37</sup>

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.”<sup>38</sup> 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.”<sup>39</sup> “The concepts of rights is indeterminate, vague and disutile,” in Bell’s words.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup>

“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.<sup>43</sup> 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.”<sup>44</sup> 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.”<sup>45</sup>

## 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.<sup>46</sup> 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”).<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>

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.”<sup>53</sup> 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.<sup>54</sup>

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,”<sup>55</sup> 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.)<sup>56</sup>

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.<sup>57</sup> 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.”<sup>58</sup>

**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.<sup>59</sup> 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.”<sup>60</sup>

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.<sup>61</sup> 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.”<sup>62</sup> 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.”<sup>63</sup> According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders “support the Black Lives Matter movement.”<sup>64</sup> 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,”<sup>65</sup> 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.<sup>66</sup>

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.”<sup>67</sup> 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.<sup>68</sup>



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.<sup>69</sup> 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.”<sup>70</sup> 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.<sup>71</sup>

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.”<sup>72</sup> 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.<sup>73</sup> The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”<sup>74</sup>

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.<sup>75</sup> 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.<sup>76</sup>

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.<sup>77</sup> 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.”<sup>78</sup>

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.”<sup>79</sup> 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.<sup>80</sup>

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.<sup>81</sup> 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.”<sup>82</sup>

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.”<sup>83</sup>

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.<sup>84</sup> 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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup> 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.<sup>88</sup>

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.”<sup>89</sup> 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.<sup>90</sup> 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).<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

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.”<sup>95</sup> 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.”<sup>96</sup>

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.<sup>97</sup>

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.”<sup>98</sup> The highest court has not yet ruled specifically against disparate impact.<sup>99</sup>

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.<sup>100</sup> 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.<sup>101</sup>

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.<sup>102</sup> In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and LGBTQ 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.<sup>103</sup>

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.<sup>104</sup> Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.<sup>105</sup>

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.<sup>106</sup> 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.<sup>107</sup>

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.<sup>108</sup> 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.<sup>109</sup>

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.<sup>110</sup> 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.<sup>111</sup>

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.<sup>112</sup> 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.”<sup>113</sup> 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).<sup>114</sup> 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.”<sup>115</sup> Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.<sup>116</sup> 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.”<sup>117</sup>



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.<sup>118</sup> 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."<sup>119</sup>

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."<sup>120</sup> 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.<sup>121</sup>

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."<sup>122</sup> 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.<sup>123</sup>

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.”<sup>124</sup> 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.”<sup>125</sup> Again, remember CRT founder Derrick Bell’s comment cited earlier in this *Backgrounders* 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.”<sup>126</sup>

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.”<sup>127</sup>

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”<sup>128</sup> 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.”<sup>129</sup>

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.”<sup>130</sup> 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.<sup>131</sup>

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”<sup>132</sup> 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.”<sup>133</sup> 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.”<sup>134</sup>

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.<sup>135</sup> 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.”<sup>136</sup> 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.<sup>137</sup>

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.’”<sup>138</sup> 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.”<sup>139</sup> 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.<sup>140</sup>

**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 Emma 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.)<sup>141</sup> 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.<sup>142</sup>

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.<sup>143</sup> 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.<sup>144</sup> 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.<sup>145</sup>

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.<sup>146</sup> 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.”<sup>147</sup>
- **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.<sup>148</sup> 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.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> 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.”<sup>152</sup> 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.<sup>153</sup>

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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.”<sup>154</sup>

**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).”<sup>155</sup>

**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.<sup>156</sup>

**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.”<sup>157</sup>

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.<sup>158</sup>

**Equity:** The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”<sup>159</sup>

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.”<sup>160</sup>



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.”<sup>161</sup>

**Intersectionality:** A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”<sup>162</sup>

**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.<sup>163</sup> 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.”<sup>164</sup> 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.”<sup>165</sup> 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.<sup>166</sup>

**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.”<sup>167</sup> 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.”<sup>168</sup>

**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.”

## Endnotes

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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 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
<b>Sec. 3314.03.</b> 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	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 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



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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494  
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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

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:** jstover1@aol.com

**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 *Background*, 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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Nothing written here is to be construed as necessarily reflecting the views of The Heritage Foundation or as an attempt to aid or hinder the passage of any bill before Congress.

- 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*.<sup>1</sup> 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.<sup>2</sup>

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.”<sup>3</sup> 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.<sup>4</sup>

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.<sup>5</sup> 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."<sup>6</sup>

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.<sup>7</sup> 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.<sup>8</sup>

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.<sup>9</sup> 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."<sup>10</sup>

## 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.<sup>11</sup> 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.<sup>12</sup>

## 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.<sup>13</sup>

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.<sup>14</sup>

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.<sup>15</sup>

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.”<sup>16</sup>

“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.<sup>17</sup> 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.<sup>18</sup>

**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.<sup>19</sup>

**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.<sup>20</sup>

**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.”<sup>21</sup>**

**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.”<sup>22</sup>

## 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.”<sup>23</sup> 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.”<sup>24</sup> Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”<sup>25</sup>

**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.<sup>26</sup>

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.”<sup>27</sup> 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.”<sup>28</sup> 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.”<sup>29</sup>

Of the three critical schools of thought analyzed here,<sup>30</sup> 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.<sup>31</sup> 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.”<sup>32</sup>

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.<sup>33</sup> 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.”<sup>34</sup> 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.<sup>35</sup>

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."<sup>36</sup> Thus we arrive at today's cancel culture.<sup>37</sup>

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.”<sup>38</sup> 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.”<sup>39</sup> “The concepts of rights is indeterminate, vague and disutile,” in Bell’s words.<sup>40</sup>

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.<sup>41</sup>

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.<sup>42</sup>

“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.<sup>43</sup> 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.”<sup>44</sup> 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.”<sup>45</sup>

## 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.<sup>46</sup> 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”).<sup>47</sup> 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.<sup>48</sup> 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.<sup>49</sup> 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.<sup>50</sup> 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.<sup>51</sup>

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.<sup>52</sup>

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.”<sup>53</sup> 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.<sup>54</sup>

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,”<sup>55</sup> 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.)<sup>56</sup>

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.<sup>57</sup> 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.”<sup>58</sup>

**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.<sup>59</sup> 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.”<sup>60</sup>

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.<sup>61</sup> 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.”<sup>62</sup> 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.”<sup>63</sup> According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders “support the Black Lives Matter movement.”<sup>64</sup> 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,”<sup>65</sup> 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.<sup>66</sup>

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.”<sup>67</sup> 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.<sup>68</sup>



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.<sup>69</sup> 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.”<sup>70</sup> 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.<sup>71</sup>

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.”<sup>72</sup> 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.<sup>73</sup> The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”<sup>74</sup>

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.<sup>75</sup> 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.<sup>76</sup>

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.<sup>77</sup> 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.”<sup>78</sup>

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.”<sup>79</sup> 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.<sup>80</sup>

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.<sup>81</sup> 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.”<sup>82</sup>

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.”<sup>83</sup>

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.<sup>84</sup> 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.<sup>85</sup>

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.<sup>86</sup> 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.<sup>87</sup> 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.<sup>88</sup>

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.”<sup>89</sup> 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.<sup>90</sup> 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).<sup>91</sup>

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.<sup>92</sup> 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.<sup>93</sup> 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.<sup>94</sup>

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.”<sup>95</sup> 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.”<sup>96</sup>

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.<sup>97</sup>

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.”<sup>98</sup> The highest court has not yet ruled specifically against disparate impact.<sup>99</sup>

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.<sup>100</sup> 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.<sup>101</sup>

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.<sup>102</sup> In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and LGBTQ 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.<sup>103</sup>

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.<sup>104</sup> Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.<sup>105</sup>

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.<sup>106</sup> 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.<sup>107</sup>

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.<sup>108</sup> 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.<sup>109</sup>

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.<sup>110</sup> 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.<sup>111</sup>

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.<sup>112</sup> 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.”<sup>113</sup> 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-Berkeley in 2017).<sup>114</sup> 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.”<sup>115</sup> Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.<sup>116</sup> 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.”<sup>117</sup>



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.<sup>118</sup> 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."<sup>119</sup>

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."<sup>120</sup> 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.<sup>121</sup>

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."<sup>122</sup> 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.<sup>123</sup>

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.”<sup>124</sup> 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.”<sup>125</sup> 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.”<sup>126</sup>

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.”<sup>127</sup>

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”<sup>128</sup> 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.”<sup>129</sup>

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.”<sup>130</sup> 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.<sup>131</sup>

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”<sup>132</sup> 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.”<sup>133</sup> 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.”<sup>134</sup>

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.<sup>135</sup> 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.”<sup>136</sup> 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.<sup>137</sup>

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.’”<sup>138</sup> 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.”<sup>139</sup> 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.<sup>140</sup>

**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 Emma 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.)<sup>141</sup> 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.<sup>142</sup>

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.<sup>143</sup> 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.<sup>144</sup> At least these performers were able 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.<sup>145</sup>

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.<sup>146</sup> 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.”<sup>147</sup>
- **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.<sup>148</sup> 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.<sup>149</sup> 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.<sup>150</sup> 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.<sup>151</sup> 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."<sup>152</sup> 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.<sup>153</sup>

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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.”<sup>154</sup>

**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.”<sup>155</sup>

**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.<sup>156</sup>

**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.”<sup>157</sup>

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.<sup>158</sup>

**Equity:** The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”<sup>159</sup>

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.”<sup>160</sup>



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.”<sup>161</sup>

**Intersectionality:** A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”<sup>162</sup>

**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.<sup>163</sup> 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.”<sup>164</sup> 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.”<sup>165</sup> 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.<sup>166</sup>

**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.”<sup>167</sup> 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.”<sup>168</sup>

**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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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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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
<b>Sec. 3314.03.</b> 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
(1) 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	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 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



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  
480  
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484  
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

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:** Rep76

**Sent:** Thursday, May 20, 2021 2:50 PM

**To:** 'WendyHorman@house.idaho.gov'

**Subject:** Conference Invitation - State Representative Diane V. Grendell

Good afternoon Representative Horman,

This is Brandon Hendrickson, Legislative Aide to State Representative Diane V. Grendell of Ohio. I left you a voice message but am following up with an email. Representative Diane Grendell is extending an invitation to participate in a conference call relating to Critical Race Theory. As Idaho has passed legislation regarding the topic, Representative Grendell would like to arrange for a call with State Legislators whom moved the bills forward in states where it has passed. Our state legislature is in the initial stages of working on CRT legislation.

If you are able to participate in a conference call on Wednesday, May 26<sup>th</sup> at 10:30 am EST, please let us know. We would welcome your insight and assistance.

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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





**From:** Representative Wendy Horman  
**Sent:** Thursday, May 20, 2021 3:12 PM  
**To:** Rep76  
**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Hi Brandon

Thanks for the invitation. I was the lead floor sponsor of H377 in the House and would be happy to join the call. I will await further details. I am traveling right now so the best number to reach me is my cell: 208-521-3384.

Best regards,  
Wendy

Sent from my iPhone

On May 20, 2021, at 12:50 PM, Rep76@ohiohouse.gov wrote:

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<image003.jpg>

**From:** Rep76  
**Sent:** Thursday, May 20, 2021 3:42 PM  
**To:** 'Representative Wendy Horman'  
**Subject:** RE: Conference Invitation - State Representative Diane V. Grendell

Representative Horman,

Sincerest thanks for your response!

Based off our attendance so far we've found the best meeting time to be 9:00 am EST—would you still be able to participate? I will forward the conference line information.

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

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<image003.jpg>

**From:** Representative Wendy Horman  
**Sent:** Thursday, May 20, 2021 3:49 PM  
**To:** Rep76  
**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell

Yes I'm available then.

Sent from my iPhone

On May 20, 2021, at 1:42 PM, Rep76@ohiohouse.gov wrote:

Representative Horman,

Sincerest thanks for your response!

Based off our attendance so far we've found the best meeting time to be 9:00 am EST—would you still be able to participate? I will forward the conference line information.

<image003.jpg>

**From:** Representative Wendy Horman <WendyHorman@house.idaho.gov>  
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<image003.jpg>

**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:** kathyphilpjohnson@yahoo.com  
**Sent:** Thursday, May 20, 2021 4:47 PM  
**To:** Rep76  
**CC:** 'Michael Goldstein'  
**Subject:** Follow-up to our Meeting on Wednesday

Rep. Grendell and Brandon,

We had mentioned a few issues in our meeting on Wednesday and I had promised to send further information and links for verification.

*The 1619 Project* was published as an insert to the New York Times (NYT) in August, 2019; it is a series of essays and photographs. Lead author, Nikole Hannah-Jones, won a Pulitzer prize for the effort. Corresponding curriculum was produced by the Pulitzer Center and promoted by the NYT and the Pulitzer Center. The Pulitzer Center published statistics about the promotion and classroom use of the curriculum in May of 2020. I have not seen any information from the 2020-2021 school year.

<https://pulitzercenter.org/blog/nikole-hannah-jones-wins-pulitzer-prize-1619-project>

*The 1619 Project* curriculum is listed as a social studies resource on the Ohio Department of Education (ODE) website; it is directly linked to the Pulitzer curriculum. Many historians from both sides of the political spectrum have challenged the historical accuracy of *The 1619 Project*; most of the pushback from historians has been toward the two leading and longest essays authored by Nikole Hannah-Jones and Matthew Desmond who write the first two and longest narratives. As Mike mentioned, Hannah-Jones later admitted it was not intended to be a history, but a fight to control the national narrative. Critical race theory and anti-capitalism are, many believe, the underpinnings of *The 1619 Project*. The ODE webpage listing of resources was last updated 11/1/2019. Despite public comment before OSBE, including Mike's and mine, the resource remains.

<http://education.ohio.gov/.opics/Learning-in-Ohio/Social-Studies/Resources-for-Social-Studies/Ohio-Social-Studies-Signal-Newsletter/November-2019/Resources>

This is the City Journal article written by Max Eden that Mike and I mentioned. The "Antiracist Allyship Starter Pack," a spreadsheet with many links to articles and other recommended allyship reading, was previously posted on the rather complex ODE website in a different area; the Resources for Social Studies section under "Additional Resources and Tools" at the bottom of the page. Max Eden communicated with ODE about their reason for removing the resource before publishing his article. Note that ODE did not compile the information; it was an Internet available source that is still online and linked in Mr. Eden's article.

[https://www.city-journal.org/ohio-education-department-antiracist-training?wallit\\_nosession=1](https://www.city-journal.org/ohio-education-department-antiracist-training?wallit_nosession=1)

Finally, we mentioned the Equity Resolution that was passed by the Ohio State Board of Education (OSBE) on July 14, 2020, by a 12-5 vote. The Members who voted no on this Resolution were Sarah Fowler-Arthur, Kirsten Hill, Lisa Woods, John Hagan, and Charlotte McGuire. Member, Jenny Kilgore, abstained on procedural issues. All OSBE Members who were appointed by the governor voted in favor of the 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)

Hopefully, this will provide backup for what we mentioned in Wednesday's meeting.

Kathy Johnson





**From:** veganappetite@gmail.com  
**Sent:** Thursday, May 20, 2021 6:02 PM  
**To:** Rep76  
**Subject:** CRT

First Name: Tamasin  
Last Name: L.  
Email: veganappetite@gmail.com  
Address:  
78 PAW PAW LAKE DRIVE  
CHAGRIN FALLS, OH 44022

Subject: CRT

Message: I am writing with gratitude for your work on banning CRT from Ohio Schools. It is a recipe for disaster, and perpetuates the exact action it purports to 'repair'. The efforts of politicians to further divide people is tragic. Thank you for standing up for the idea that all people are truly equal.

Thank you for your work in battling Dewine's controlling nature, too.

Please keep fighting for us. We need you in the House of Representatives.

**From:** cadistfam@aol.com  
**Sent:** Friday, May 21, 2021 7:08 AM  
**To:** Rep76  
**Subject:** Proposed Bill - Banning divisive concepts

First Name: Chris  
Last Name: Di Staulo  
Email: cadistfam@aol.com  
Phone: (440) 476-2166  
Address:  
163 Elm Court  
Chagrin Falls, OH 44022

Subject: Proposed Bill - Banning divisive concepts

Message: Dear Rep. Grendell,

I read in our local paper that you are sponsoring a bill that would hopefully ban CRT in our Ohio schools. I am in a group of mothers that fully support your efforts and we have been emailing Governor DeWine asking him to ban it in OH schools. One of our mothers wrote this letter that was excellent and I wanted to share it with you. We support you!

The Honorable Michael DeWine,  
Governor of Ohio

I am writing to ask you to ban the teaching of Critical Race Theory (CRT) in Ohio schools. If this self-destructive theory takes hold, it will change the very nature of America.

CRT holds that the most important thing about a person is the color of their skin"not their behavior, not their character or value as a person"their race.

CRT is based on the belief that racism occurs in ALL interactions. It maintains that racism can be found everywhere and encourages us to search for it until it is discovered. Brainwashing our school children to embrace this anti-reality idea as truth would cause devastating division and great distrust between and among human beings in America.

We must remember: "œUnited we stand, divided we fall"œ

American citizens need to work together toward UNITY: in ourselves, our families, our communities, our cities, our States, our Country and in our world. We can begin by embracing the truth that we are human beings and that our value is simply in BEING. School children (and adults) need to be taught to see BEYOND skin color and race, BEYOND creed, BEYOND nationality, BEYOND social and economic status. Our children need to learn to see the PERSON"not just look at a person on the surface, but to truly SEE the whole, real PERSON and marvel at the beauty of that unique human being, created in the image of God and loved by God! It is this truth and reality which gives each of us our dignity, our value and our worth.

Teaching this truth in schools would serve to unify us and elevate us to the dignity of our creation"so we can stand together!

Paulina R

**From:** Rep76  
**Sent:** Friday, May 21, 2021 9:36 AM  
**To:** 'cadistfam@aol.com'  
**Subject:** RE: Proposed Bill - Banning divisive concepts

Chris,

Thank you for your email and sharing Paulina's letter. I appreciate your encouragement of my bill prohibiting the teaching of divisive concepts. It is imperative that, as Paulina mentioned, Americans and Ohioans maintain a sense of unity with one another. Teachings such as CRT do nothing to promote unity and understanding, but rather further promote the very division it claims to remedy.

I will continue my work on the legislation and would welcome your assistance with passing this bill.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** cadistfam@aol.com <cadistfam@aol.com>  
**Sent:** Friday, May 21, 2021 7:08 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Proposed Bill - Banning divisive concepts

First Name: Chris  
Last Name: Di Staulo  
Email: [cadistfam@aol.com](mailto:cadistfam@aol.com)  
Phone: (440) 476-2166  
Address:  
163 Elm Court  
Chagrin Falls, OH 44022

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Message: Dear Rep. Grendell,

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Teaching this truth in schools would serve to unify us and elevate us to the dignity of our creation—so we can stand together!

Paulina R

**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, 76<sup>th</sup> 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:** Ehresman, Rachel  
**Sent:** Friday, May 21, 2021 11:07 AM  
**To:** Rep76  
**CC:** Stephens, Jason  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Representative Stephens would like to co-sponsor this legislation.

Thanks,  
**Rachel Ehresman, LSW**  
Legislative Aide  
*Representative Jason Stephens' Office*  
House District 93  
O: 614-466-1366

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**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Friday, May 21, 2021 10:32 AM  
**To:** House\_All <House\_All@ohiohouse.gov>  
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**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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Fellow Representatives,

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76





**From:** Rep76

**Sent:** Friday, May 21, 2021 12:14 PM

**To:** Ehresman, Rachel

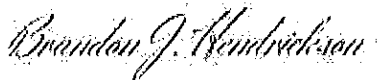
**CC:** Stephens, Jason

**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. Stephens and Rachel,

You have been added as a cosponsor on the bill—Representative Grendell appreciates your support!

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



---

**From:** Ehresman, Rachel <Rachel.Ehresman@ohiohouse.gov>

**Sent:** Friday, May 21, 2021 11:07 AM

**To:** Rep76 <Rep76@ohiohouse.gov>

**Cc:** Stephens, Jason <Jason.Stephens@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

Representative Stephens would like to co-sponsor this legislation.

Thanks,

**Rachel Ehresman, LSW**

Legislative Aide

*Representative Jason Stephens' Office*

House District 93

O: 614-466-1366

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**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> House District**

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**From: Representative Diane V. Grendell**  
**Date: May 10, 2021**  
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Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** Gross, Levi

**Sent:** Friday, May 21, 2021 12:26 PM

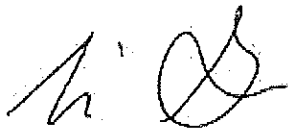
**To:** Rep76

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

Hello Brandon,

Rep. Richardson would like to co-sponsor.

Best,



Levi Gross

Legislative Aide- Representative Tracy Richardson, 86th District  
O. 614-466-8147 | C. 717-659-2302 | [Levi.gross@ohiohouse.gov](mailto:Levi.gross@ohiohouse.gov)  
77 S High St, Columbus, OH 43215

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# Ohio House of Representatives



State Representative Diane V. Grendell, 76<sup>th</sup> House District

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State Representative  
Ohio House District 76

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**Sent:** Friday, May 21, 2021 12:58 PM

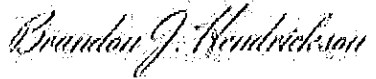
**To:** Gross, Levi

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

Fantastic—thanks Levi. Please thank her for the support.

-Brandon

Best,



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District

(614)-644-5088

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

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**Sent:** Friday, May 21, 2021 12:26 PM

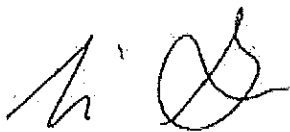
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77 S High St, Columbus, OH 43215

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

To: House\_All <House\_All@ohiohouse.gov>

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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**From: Representative Diane V. Grendell**

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State Representative  
Ohio House District 76

**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:

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<image001.png>

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Sincerely,

<image002.png>

**From:** Diane Stover

**Sent:** Friday, May 21, 2021 1:28 PM

**To:** Rep76; Tim Schaffer; Andrew O. Brenner

**Subject:** EVIDENCE - CRT in Solon

**Attachments:** SHS-Letter-to-Parents-June-11-2020.pdf; 59240.jpeg; 59261.jpeg

Rep Grendell, Sen Schaffer, Sen Brenner

FYI. We have so much evidence of indoctrination that I'll save for later but here's a recent nugget.

Sent from the all new AOL app for iOS

Begin forwarded message:

On Friday, May 21, 2021, 7:16 AM, Jonathan Broadbent (personal) <jon@jrbroadbent.com> wrote:

Please read the attachments. 2 are excerpts from the letter. It took some digging but I eventually got the entire letter (PDF).

Yours,  
Jonathan R Broadbent

[https://cdn.fsbx.com/v/t59.2708-21/186925486\\_478478066594691\\_3780645019694714486\\_n.pdf/SHS-Letter-to-Parents-June-11-2020.pdf?\\_nc\\_cat=101&ccb=1-3&\\_nc\\_sid=0cab14&\\_nc\\_ohc=K9AUEUhBkPsAX-VrrCB&\\_nc\\_ht=cdn.fsbx.com&oh=09588adcac618964a39d9d8f2e3aebbf&oe=60A8F268&dl=1](https://cdn.fsbx.com/v/t59.2708-21/186925486_478478066594691_3780645019694714486_n.pdf/SHS-Letter-to-Parents-June-11-2020.pdf?_nc_cat=101&ccb=1-3&_nc_sid=0cab14&_nc_ohc=K9AUEUhBkPsAX-VrrCB&_nc_ht=cdn.fsbx.com&oh=09588adcac618964a39d9d8f2e3aebbf&oe=60A8F268&dl=1)

**From:** SOLON CITY SD <tstrom@solonboe.org>  
**Date:** June 11, 2020 at 2:09:22 PM EDT

**Subject:** A message from Erin Short - An Important Conversation  
**Reply-To:** tstrom@solonboe.org

A message from SOLON CITY SD

Solon High School Parents and Students,

There has been no more important time in my 20-year career as an administrator at Solon High School than this moment. I believe our country is at a tipping point when it comes to race relations and I also believe schools need to take a leadership role in helping students and families have honest and open conversations about race. Thankfully, Solon High School has been examining ways we can create a more inclusive environment over the last 12 months. As you know, we surveyed our student body in the fall and 16.7% of the over 1400 respondents used the adjective racist to describe our culture. Our joint PTA/SHS staff Diversity and Inclusion committee found this statistic to be quite alarming so we started by conducting school wide lessons on empathy, the importance of building culture, and the necessity of each and every one of us listening to the powerful stories of discrimination members of the SC family have endured.

Please understand, this important work does not get a summer break and it cannot be set aside because we are in the midst of a pandemic. I MUST do better as an individual. We MUST do better as a system, as a community. And we MUST work tirelessly to ensure Solon High School is an anti-racist school, a safe zone for all of our students. As the Black Lives Matter protests have been carried out throughout our nation, as a woman who has white privilege, I want my students of color and their families to know I stand with them. I have seen posts on social media and read reports of some Americans making statements that "all lives matter." Let's be clear, Black Lives Matter does not mean all lives do not matter. It means in our country, with a history of oppression and racism, our African American community needs ALL of us to stand with them and fight for equal treatment. We can no longer put our heads in the sand and disregard the systemic oppression and racism individuals of color have endured for centuries in this country – **all lives cannot matter until black lives start mattering**. As Rachel Cargle stated in a recent news article, "There is a fundamental understanding that when parts of society with the most pain and lack of protection are cared for, the whole system benefits."

To that end, and with the goal in mind that we must, as a community, continue our discussions about race and ways we can all work to be anti-racist, I ask that you take the time to read the article below. Discuss it with your children, your families and your neighbors. Rest assured, I am committed to ensuring Solon High School examines our own practices to make sure we have systems in place that do not promote systemic racism.

The Solon City Schools have always prided themselves on being the very best we can be. In keeping with our district mission to "ensure all students attain the knowledge and skills to succeed and become contributing, ethical citizens in a global society" we must focus our energies and attention on creating an anti-racist culture in our school and in our community.

The work in front of us will not be easy, but nothing worth fighting for ever is. I look forward to doing this work with my staff, our students and their families. We have always said we are STRONGER TOGETHER. Now, more than ever, we need to band together in our fight against oppression, racism and the unequal treatment of those who are marginalized.

Erin

Erin A. Short, Principal, Solon High School

## ARTICLE FOR DISCUSSION:

**(From the Racial Healing Handbook: Practical Activities to Help You Challenge Privilege, Confront Systemic Racism, and Engage in Collective Healing by Anneliese A. Singh, PhD, LPC)**

### WHAT DOES IT MEAN TO BE ANTIRACIST?

The term “antiracist” refers to people who are actively seeking not only to raise their consciousness about race and racism, but also to take action when they see racial power inequities in everyday life. Being an antiracist is much different from just being “nonracist,” as Black antiracist Marlon James (2016) made clear. Being a nonracist means you can have beliefs against racism, but when it comes to events like the murders of Black men by police, “you can watch things at home unfolding on TV, but not do a thing about it.” According to James, being an antiracist means that you are developing a different moral code, one that pairs a commitment to not being racist (whether verbalized or not) with action to protest and end the racist things you see in the world. I would add that saying you aren’t a racist isn’t enough to start healing from racism. You need the intentional mindset of Yep, this racism thing is everyone’s problem—including mine, and I’m going to do something about it. Of course, being an antiracist is a different proposition for a person of color than it is for a White person. Let’s examine what an antiracist identity looks like on both sides of this binary.

#### Becoming an Antiracist as a White Person

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. The stages of using your White privilege to change your internalized racism and to interrupt racism when you see it are a big part of developing an antiracist identity. In her article “White Supremacy Culture: Changework,” Tema Okun (2006, 13) talked about antiracism based on her own journey as a White person taking on this identity. I slightly adapted her list of ways to be a White antiracist:

- See yourself as part of the White group.
- Understand and begin to take responsibility for your power and privilege as part of the white group—such as acknowledging the historical roots of White Supremacy and knowing that the White privilege you have as a result of that history is a real thing.
- Have all the feelings related to deepening relationships and increased multicultural experience— both the feelings of guilt, anger, or frustration that can sometimes arise in a racist system in which you experience privilege and the feelings of joy and connection to others that will emerge from pursuing diverse relationships and acting to protest and combat racism you encounter.
- Distinguish between your commitment to being a White antiracist and the part of you that wants to be a perfect antiracist—socialization is real, and racism is real, and you won’t always be perfectly antiracist. • Know there will be hard things that come up when you explore White privilege. Learn to see these challenges as “teachers” and opportunities to learn more about your own Whiteness. Instead of getting defensive when these challenges arise, lean into curiosity and cultivate desire for understanding and growth.
- Participate in individual and collective action against racism. • Value self-reflection on your White identity.
- Use racist thoughts and behaviors you might engage in to deepen understanding and continue to change thoughts and behaviors.

Okun believes that White folks can take on six specific responsibilities to become antiracist in an ongoing process. Being an antiracist is not a one-time event or decision, or an identity you ever finally and fully achieve, but a commitment. Her six responsibilities will remind you of our earlier discussion of raising your race-consciousness through education and people resources. Below are Okun (2006)’s six Rs:

1. Read and educate yourself on the effects, impacts, and other structures of racism.

2. Reflect on what this education means for you as someone developing a White antiracist identity, such as identifying new ways to challenge everyday racism and work on racial justice initiatives.

3. Remember how you participate in the thoughts, beliefs, and actions that uphold racism, whether you intend to or not, and how you “forget” that racism exists. Identify internalized racial attitudes you have about people of color.

4. Take risks to challenge racism when you see it or realize when you are participating in it. Interrupt racial stereotypes when you hear them, and support people of color in your personal and professional settings when they speak out about their experiences with racism.

5. Rejection is something you’ll experience as an antiracist, as sometimes you will make mistakes and “get it wrong” when it comes to identifying and challenging racism. Because of your White privilege, it will sometimes be tough to identify how something you are doing may be harmful to people of color. And people of color may reject what you are saying and even more so hold you accountable for these missteps. Learn to understand and accept rejection. People of color have justified anger about racism, and they may reject you or White people harshly because of it. If this happens, understand that this is the product of their treatment at the hands of a racist system. Don’t take it personally; rather, help them if you can and continue to stay in the fight against racism.

6. Relationship building is a part of what you do along the way—with White folks and people of color who are somewhere on their journey from nonracist to antiracist.

Let’s look at an example of what becoming a White antiracist using these six Rs looks like in the real world. Michael, a White, twenty-year-old college student, grew up in a homogenously White family and neighborhood and attended predominantly White schools. He moved to a racially diverse area for the first time when he went to college and had a roommate who was a person of color. Michael realized that people around him had experiences he didn’t know much about, and that he himself could be behaving in ways that disrespected people of color in ways he might not even be realizing. Michael decided to take a college course on diversity in his first year and began working on learning more about his White privilege and how to become an antiracist. We can look at the steps he took in terms of Okun’s six Rs:

1. Michael read and educated himself on what White privilege was. He considered the effects it had on his own life in terms of lost opportunities to interact with people of color and learn a more truthful history of the world as it related to race and racism, and what it meant for people of color to lack such privilege. As he read and educated himself, he learned about the impacts of racism on other racial groups and how structures of racism are upheld in current times.

2. Michael began to reflect on what this education meant for him. He wanted to cast aside the obliviousness he had about racism and White privilege. He knew that being an antiracist would mean identifying ways he had previously ignored everyday racism that people of color experienced (e.g., he remembered the one Latinx student in his middle school class being called racial epithets and not realizing how these were racist acts) and racial microaggressions he had enacted (e.g., assuming Asian Americans were recent immigrants). He joined an antiracist campus group, where he and other folks with White privilege could interrupt everyday racism and work on larger campus racial justice initiatives.

3. Michael made sure to remember throughout his antiracist work that he would inevitably “forget” about racism and its systems because that is how racism works. He kept educating himself on the different ways White privilege can show up (e.g., feeling guilty about racism, not having to think about race, not being extraordinarily worried when pulled over by police for a traffic ticket, not knowing the history of the land his campus was on and who the indigenous peoples were). He also intentionally explored negative racial stereotypes he still held about people of color and sought to expand the diversity of people in his life.

4. Michael took risks to challenge racism when he saw it in his classes, like when his professors wouldn’t call on his fellow students of color. He also assumed a leadership role in his residence hall, and he challenged his fellow White student leaders to think about how their racial privilege influenced selection of programming for their dorm.

5. Michel knew to expect rejection from people of color when he made a racist assumption or was misusing his White privilege. For instance, sometimes he was so excited about his efforts to be an antiracist, he would talk over people of color doing similar work and minimize their contributions. He learned to apologize as soon as he noticed this was happening or when a person of color brought this to his attention. He learned not only to welcome the feedback he

would get from people of color when he had a misstep, but also to value this feedback as a way to grow as a White antiracist.

6. Relationship building was the major focus of what Michael did throughout each of the previous steps. He learned to make connections with White folks who wanted to externalize their racially stereotyped notions of the world and to build relationships with people of color. Through relationship building, Michael eventually had a vibrant, diverse group of people in his life who could not only support and inspire him in his antiracist identity development, but also hold him accountable for his missteps and growth.

You can see that becoming an antiracist is an ongoing practice and process, exactly opposite of color blindness. You want to be able to see and identify everything about racism. You want to know what your part in racism is. You continuously raise your race-consciousness. And you do this alongside a multitude of different types of people on the same journey. You expect the feelings of anger, frustration, sadness, rage, irritation, grief, and other emotions as you challenge racism, as we discussed in chapter 4.

### **Becoming an Antiracist as a Person of Color**

People of color can also claim an antiracist identity, with all that this entails: consciousness of race and racism as it manifests in the world, and a commitment to speak out and act against racism they encounter in the world. Remember, for people of color, that first stage of racial identity development is often obliviousness about racism existing, which lasts until that first critical incident of being the target of a racist act or idea. Once people of color become aware of racism, however, they become capable of having negative ideas about the races of other people of color. This is exactly the kind of behavior that claiming and living an antiracist life can help you challenge. For example, there are plenty of opportunities for me to apply Okun's antiracist steps with people in my Indian American and South Asian community who hold negative racial attitudes about other people of color groups.

Why does this within-group racism exist? Well, the roots are in how colonization has been internalized. British colonization of South Asian lands made it imperative that people in those lands adopt the values and ways of life that the British set for them in order to survive. This left many brown folks with the internalized notion that White culture and White values were the civilized and highly regarded ones to emulate—and that people who are deemed aberrant by White colonizers' values, like Black people, are to be denigrated. You may have also noticed that Black folks may have negative ideas about Asian Americans, and vice versa. Well, people of Asian heritage enter a US racial context where Black people were enslaved, denigrated, and seen as inferior. Black people learn—like most US citizens—very little about people of Asian heritage, except that they represent something that is foreign and a threat (as discussed in chapter 3). This is especially true of Asian Americans who don't speak English and maintain traditions from their home cultures. It can be so frustrating—and infuriating—to see people of color groups tear one another down!

Developing an antiracist identity as people of color means recognizing that all racial groups are struggling in some way under White supremacy. It means recognizing that people of color groups are not always united in solidarity under a larger umbrella of people of color. Misinformation, prejudice, and harm can exist between people of color groups, and these need to be confronted just as White racism must be challenged. This means knowing how different enslavement and immigration histories you learned about in chapter 3 influence the different histories of oppression each racial group has. This also means recognizing there are important class differences that can have a big impact on the degree of oppression people of color experience (class privilege can buffer experiences of racism, as you will explore in chapter 8).

You can take action and challenge internalized White supremacy by interrupting the patterns in which people of color of one racial group hold prejudices against another racial group. You can speak up when someone in your family or work setting expresses such a sentiment (see chapter 7 for more on doing this). By doing things like this on an individual and systemic level, you can create solidarity with other racial groups while acknowledging the important differences in how racism is meted out across racial groups. Further, in doing so, you can create the possibility of collective action against racism on multiple individual and systemic levels. For example, you can talk with people across racial groups and collectively identify the differences and similarities racism has on all racial groups. Then, people of color can focus more effectively on challenging White supremacy as a larger collective (more on this in chapter 10).



For people of color, Okun's (2006) list of antiracist principles still applies. But I would tweak it a bit to ensure that you as a person of color are examining the specific biases you have internalized about other racial groups and your own, as I've described below:

1. Read and educate yourself on the effects, impacts, and other structures of racism—both on your racial group and on other groups.
2. Reflect on what this education means for you as someone developing an antiracist identity.
3. Remember how you might be participating in thoughts, beliefs, and actions that uphold racism. Identify the negative beliefs you have internalized about your own race and even apply to other people of color. Think about how you are complicit with racism when racist events are happening—ways you don't speak up for yourself and others.
4. Take risks to challenge racism when you see it or realize when you are participating in it.
5. Understand the anger that you and people of other racial groups may have about racism, express your rejection of racism from White people, and continue to stay in the fight against racism with a clear understanding of what privileges or disadvantages you may have relative to people of other racial groups. It's okay to be angry about racism—it has hurt you and lots of other people you care about. Turn the anger you have into energy to challenge racism and hold White people accountable for their own racism. (To be clear, in general it isn't your job to hold White folks accountable, but it is an important aspect of being an antiracist person of color.) Keep in mind you have internalized White supremacist notions about your own race and others, so keep a lookout for how those internalized attitudes show up and provide an obstacle to your joining forces with other people of color groups.
6. Engage in relationship building with people of color and White folks alike who are on their journey from nonracist to antiracist.

Here's an example of what the six Rs look like for a person of color seeking to be an antiracist. Jasmine is a thirty-three-year-old Native American who recently moved to the west coast from North Dakota to work in a technology start-up company. After the 2016 presidential election, she got more involved in antiracism work. She was particularly moved by the water protectors at Standing Rock protesting against the construction of the Keystone pipeline, and wanted to learn about racial justice.

Let's look at Jasmine's six Rs:

1. Jasmine began to read and educate herself on how White supremacy influenced her own Native American tribe and other people of color. She knew about the Black Lives Matter movement, but she had not learned much in her schools about Black history. Jasmine began to read books about the enslavement of Black people and Jim Crow laws. As she read these histories, Jasmine drew parallels between the racism experiences of Black and Native American communities (e.g., stolen land and property, erasure of indigenous cultures and spiritualities). She also read about Black leaders in the civil rights movement, who reminded her of elders in her own tribe who advocated for better resources for her community.
2. Jasmine began to reflect on what her (re)education meant for her as a person of color developing an antiracist identity. She paid attention to the different emotions that came up as she read about her tribe and about the experiences of Black people under racism, and she began to talk to other people in her tribe who wanted to learn how to more effectively challenge racism when they noticed it.
3. Jasmine sought to remember how her internalized negative beliefs about herself as a Native American and person of color influenced how she felt about herself. She noticed she wouldn't speak up much at work when she had an idea, and she also noticed that other people of color had difficulty being heard when they did speak. She began to notice the opportunities where she could challenge these instances of racism at her workplace.
4. Eventually, Jasmine also took risks to interrupt racism at work, and she began to notice racism in everyday life more and more. She noticed that when women of color at her work spoke up, White leaders would often subtly discount their

ideas. Jasmine also noticed how sports teams in her city used Native American symbols as mascots. She talked with people she trusted about what she could do in these situations to fight against racism.

5. Jasmine worked with several community groups doing antiracist work, and sometimes she would express her rejection of the ideas White people had about how to do the work. They had good ideas, but sometimes the way they expressed what the group's goals should be didn't seem to center the experiences of non-White people as it should have. She expressed herself and felt better just knowing she said something important that she felt.

6. She also began relationship building beyond her tribe, intentionally seeking to connect with people of color and White people who were doing antiracist work. In these relationships, she could ask questions about how to confront subtle racism and she could join in initiatives to challenge systemic racism.

By taking the steps above, you learn to recognize more subtle forms of racism, like whose ideas are valued in a meeting and whose are not. You start to realize that many historical landmarks and buildings are named for White people, and rarely for people of color. You notice that you don't see overt racism often, but that the majority of physicians, lawyers, and educators you know are White. And you learn in each of these situations to connect your realizations to some type of action—from educating yourself and others to advocacy and interruption. This continual work is exhausting. If you don't take care of yourself as you do it—stepping back from the flow of your antiracist work from time to time for sleep, water, a healthy meal, friend time, alone time, vacation—it will be difficult to sustain your consciousness-raising efforts. I'll refer back to Marlon James (2016) and say that this does not mean reverting to being a nouracist and doing nothing. Now that you've seen what the six Rs would look like for White and people of color antiracists, I would add a seventh "R" to Okun's list: "(Rest)ore." (Rest)ore means that you understand that being an antiracist requires sustainability, so you find ways to rest when you need to, restore your energy, and nourish yourself in reflection before diving into the work again. See the next Racial Healing Practice to explore where you are in your own antiracist development.

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#### **ADDITIONAL SHS SCHOOL COUNSELING RESOURCES:**

<https://www.solonschools.org/cms/lib/OH01814653/Centricity/Domain/772/Resources%20to%20discuss%20equity%20and%20racism%202020.pdf>

#### **SUGGESTIONS FOR FURTHER READING:**

*White Fragility: Why It's So Hard for White People to Talk About Racism* by Robin DiAngelo

*Between the World and Me* by Ta-Nehisi Coates

*How to Be an Antiracist* by Ibram X. Kendi

*Mindful of Race: Transforming Racism from the Inside Out* by Ruth King

*So You Want to Talk About Race* by Ijeoma Oluo

*How to be Less Stupid About Race: On Racism, White Supremacy, and the Racial Divide* by Crystal Fleming



Please understand, this important work does not get a summer break and it cannot be set aside because we are in the midst of a pandemic. I MUST do better as an individual. We MUST do better as a system, as a community. And we MUST work tirelessly to ensure Solon High School is an anti-racist school, a safe zone for all of our students. As the Black Lives Matter protests have been carried out throughout our nation, as a woman who has white privilege, I want my students of color and their families to know I stand with them. I have seen posts on social media and read reports some Americans making statements that "all lives matter." Let's be clear, Black Lives Matter does not mean all lives not matter. It means in our country, with a history of oppression and racism, our African American community needs ALL of us to stand with them and fight for equal treatment. We can no longer put our heads in the sand and disregard the systemic oppression and racism individuals of color have endured for centuries in this country – **all lives cannot matter until black lives start mattering.** As Rachel Cargle stated in a recent news article, "There is a fundamental understanding that when parts of society with the most pain and lack of protection are cared for, the whole system benefits."

To that end, and with the goal in mind that we must, as a community, continue our discussions about race and ways we can all work to be anti-racist, I ask that you take the time to read the article below. Discuss it with your children, your families and your neighbors. Rest assured, I am committed to ensuring Solon High School examines our own practice



### Becoming an Antiracist as a White Person

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. The stages of using your White privilege to change your internalized racism and to interrupt racism when you see it are a big part of developing an antiracist identity. In her article “White Supremacy Culture: Changework,” Tema Okun (2006, 13) talked about antiracism based on her own journey as a White person taking on this identity. I slightly adapted her list of ways to be a White antiracist:

- See yourself as part of the White group.
- Understand and begin to take responsibility for your power and privilege as part of the white group—such as acknowledging the historical roots of White Supremacy and knowing that the White privilege you have as a result of that history is a real thing.
- Have all the feelings related to deepening relationships and increased multicultural experience—both the feelings of guilt, anger, or frustration that can sometimes arise in a racist system in which you experience privilege and the feelings of joy and connection to others that will emerge from pursuing diverse relationships and acting to protest and combat racism you encounter.
- Distinguish between your commitment to being a White antiracist and the part of you that wants to be a perfect antiracist—socialization is real, and racism is real, and you won’t always be perfectly antiracist. • Know there will be hard things that come up when you explore White privilege. Learn to see these challenges as “teachers” and opportunities to learn more about your own Whiteness. Instead of getting defensive when these challenges arise, lean into curiosity and cultivate desire for understanding and growth.

**From:** Fowler Arthur, Sarah  
**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](#)

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**From:** Rep76 <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 20, 2021 4:44:58 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:** Rep76  
**Sent:** Friday, May 21, 2021 3:00 PM  
**To:** Young, Brad  
**CC:** Kelsey Culbertson; Strobe, Lauren  
**Subject:** Grendell and Fowler Arthur Bill Filing  
**Attachments:** l\_134\_1448-1.pdf

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Good afternoon Brad and Kelsey,

Reps. Grendell and Fowler Arthur would like to file the attached bill draft with the following cosponsors listed in order.

**Sponsors: Rep. Grendell and Rep. Fowler Arthur**

Cosponsors:

1. **Rep. Cindy Abrams**
2. **Rep. Tim Ginter**
3. Rep. Gary Click
4. Rep. Adam Holmes
5. Rep. Reggie Stoltzfus
6. Rep. Jennifer Gross
7. Rep. Nino Vitale
8. Rep. Craig Riedel
9. Rep. Kris Jordan
10. Rep. Paul Zeltwanger
11. Rep. Jon Cross
12. Rep. Mark Johnson
13. Rep. Riordan McClain
14. Rep. Jay Edwards
15. Rep. Derek Merrin
16. Rep. Jean Schmidt
17. Rep. Bill Dean
18. Rep. Scott Wiggam
19. Rep. Tom Brinkman
20. Rep. Jamie Callender
21. Rep. Rodney Creech
22. Rep. Mike Loychik
23. Rep. Dick Stein
24. Rep. Jena Powell
25. Rep. Tom Young
26. Rep. Jason Stephens
27. Rep. Phil Plummer
28. Rep. Ron Ferguson
29. Rep. Daryl Kick
30. Rep. Bob Young
31. Rep. Tracy Richardson
32. Rep. Al Cutrona
33. Rep. Sarah Carruthers
34. Rep. Marilyn John

Thank you and please let me know if there are any questions. Enjoy your weekend!

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> 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



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
<b>Sec. 3314.03.</b> 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 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

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

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  
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  
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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

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:** Iainjohns@outlook.com  
**Sent:** Saturday, May 22, 2021 10:45 PM  
**To:** Rep76  
**Subject:** Banning Critical Race Theory and 1619 project

First Name: Iain  
Last Name: Johns  
Email: Iainjohns@outlook.com  
Phone: (624) 589-2469  
Address:  
644 Forestwood Drive  
Gahanna, OH 43230

Subject: Banning Critical Race Theory and 1619 project

Message: Honorable Representative Grendell,

I am writing to you to proclaim my full support of your bill to ban the very dangerous and insidious critical race theory that leftists are wanting to forcibly incorporate into our nations public education institutions which would indoctrinate and damage the minds of our citizens.

I am unfortunately not one of your constituents as I live in Gahanna, Ohio and my local representative is your colleague Mary Lightbody, but sadly any of my concerns regarding this concerning subject would be disregarded.

I am the father of a five year old daughter who will be entering first grade next school year. I am deeply concerned and troubled by the harmful decision to attempt to condition our children to judge themselves by their race, color etc versus the content of their character. This will undoubtedly as you have said will pit people against one another and will create harmful divisions in our communities. Equity is dangerous and should never be confused with equality.

I have been in contact with a local school board member who shares my concerns and who is a strong advocate. I am seeking to know what I can do to help advance this legislation in hopes it will pass in the state house, senate and God willing Governor Dewine will sign into law?

I greatly admire and appreciate you putting forth this legislation. We cannot allow this very destructive Marxist agenda from poisoning our children.

I look forward to your response.

Respectfully,

Iain Johns

**From:** Chris Di Staulo  
**Sent:** Sunday, May 23, 2021 6:27 AM  
**To:** Rep76  
**Subject:** Re: Proposed Bill - Banning divisive concepts

Dear Representative Grendell,

Thanks so much for your prompt reply to my email. Please let me know what assistance a citizen could provide you with to advance your bill.

Sincerely,  
Chris

Sent from my iPhone 7

On May 21, 2021, at 9:35 AM, Rep76@ohiohouse.gov wrote:

Chris,

Thank you for your email and sharing Paulina's letter. I appreciate your encouragement of my bill prohibiting the teaching of divisive concepts. It is imperative that, as Paulina mentioned, Americans and Ohioans maintain a sense of unity with one another. Teachings such as CRT do nothing to promote unity and understanding, but rather further promote the very division it claims to remedy.

I will continue my work on the legislation and would welcome your assistance with passing this bill.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** cadistfam@aol.com <cadistfam@aol.com>  
**Sent:** Friday, May 21, 2021 7:08 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Proposed Bill - Banning divisive concepts

First Name: Chris  
Last Name: Di Staulo  
Email: [cadistfam@aol.com](mailto:cadistfam@aol.com)  
Phone: (440) 476-2166  
Address:  
163 Elm Court  
Chagrin Falls, OH 44022

Subject: Proposed Bill - Banning divisive concepts

Message: Dear Rep. Grendell,

I read in our local paper that you are sponsoring a bill that would hopefully ban CRT in our Ohio schools. I am in a group of mothers that fully support your efforts and we have been emailing Governor DeWine asking him to ban it in OH schools. One of our mothers wrote this letter that was excellent and I wanted to share it with you. We support you!

The Honorable Michael DeWine,  
Governor of Ohio

I am writing to ask you to ban the teaching of Critical Race Theory (CRT) in Ohio schools. If this self-destructive theory takes hold, it will change the very nature of America.

CRT holds that the most important thing about a person is the color of their skinâ€"not their behavior, not their character or value as a personâ€"their race.

CRT is based on the belief that racism occurs in ALL interactions. It maintains that racism can be found everywhere and encourages us to search for it until it is discovered. Brainwashing our school children to embrace this anti-reality idea as truth would cause devastating division and great distrust between and among human beings in America.

We must remember: â€œUnited we stand, divided we fall!â€

American citizens need to work together toward UNITY: in ourselves, our families, our communities, our cities, our States, our Country and in our world. We can begin by embracing the truth that we are human beings and that our value is simply in BEING. School children (and adults) need to be taught to see BEYOND skin color and race, BEYOND creed, BEYOND nationality, BEYOND social and economic status. Our children need to learn to see the PERSONâ€"not just look at a person on the surface, but to truly SEE the whole, real PERSON and marvel at the beauty of that unique human being, created in the image of God and loved by God! It is this truth and reality which gives each of us our dignity, our value and our worth. Teaching this truth in schools would serve to unify us and elevate us to the dignity of our creationâ€"so we can stand together!

Paulina R

**From:** lsieber1@windstream.net  
**Sent:** Monday, May 24, 2021 7:43 AM  
**To:** Rep76  
**Subject:** Critical race theory

First Name: Linda  
Last Name: Sieber  
Email: lsieber1@windstream.net  
Phone: (330) 562-0830  
Address:  
104 Royal Oak Dr  
Aurora, OH 44202

Subject: Critical race theory

Message: Dear Rep. Grendell,  
What are Republicans afraid of? The proliferation of legislation across the country to ban teaching certain concepts appears to me to be intended to ban teaching anything that requires students to learn ALL of our history, not just the homogenized version most of us were fed. It also smacks of banning books, which is never good.  
I fear the push to eliminate this information will doom us as a country to continue denying those who are different the same opportunities most of us take for granted.  
Please do not continue your pursuit of this type of legislation. You cannot legislate morality or feelings. Stop trying to do that!



**From:** Kelsch, Esther

**Sent:** Monday, May 24, 2021 10:03 AM

**To:** Rep76

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

Good Morning:

Do you have bill language that you can share for this legislation?

Sincerely,

Esther Kelsch

Legislative Aide

Representative Mary Lightbody, District 19

Ohio House of Representatives

77 S. High St, 10<sup>th</sup> Floor | Columbus, OH 43215

[Esther.Kelsch@ohiohouse.gov](mailto:Esther.Kelsch@ohiohouse.gov) | 614.466.4847

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**From:** Rep76 <Rep76@ohiohouse.gov>

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

**To:** House\_All <House\_All@ohiohouse.gov>

**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, 76<sup>th</sup> 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](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is **Friday, May 21<sup>st</sup> at 3:00pm.**

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** lynnwallen@icloud.com  
**Sent:** Monday, May 24, 2021 11:36 AM  
**To:** Rep76  
**Subject:** Critical Race Theory

First Name: Lynn  
Last Name: Allen  
Email: lynnwallen@icloud.com  
Address:  
2424 Valhalla Ct  
Xenia, OH 45385

Subject: Critical Race Theory

Message: Thank you for combating this destructive thinking in our schools. I am in HD 73 - but have read about your great work and cheering you on!!!!

**From:** Rep76  
**Sent:** Monday, May 24, 2021 12:33 PM  
**To:** 'Chris Di Staulo'  
**Subject:** RE: Proposed Bill - Banning divisive concepts

Chris,

I appreciate your willingness to assist. Once this bill is assigned to a committee, I would welcome your testimony in support.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

---

**From:** Chris Di Staulo <[cadistfam@aol.com](mailto:cadistfam@aol.com)>  
**Sent:** Sunday, May 23, 2021 6:27 AM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Re: Proposed Bill - Banning divisive concepts

Dear Representative Grendell,

Thanks so much for your prompt reply to my email. Please let me know what assistance a citizen could provide you with to advance your bill.

Sincerely,  
Chris

Sent from my iPhone 7

On May 21, 2021, at 9:35 AM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Chris,

Thank you for your email and sharing Paulina's letter. I appreciate your encouragement of my bill prohibiting the teaching of divisive concepts. It is imperative that, as Paulina mentioned, Americans and Ohioans maintain a sense of unity with one another. Teachings such as CRT do nothing to promote unity and understanding, but rather further promote the very division it claims to remedy.

I will continue my work on the legislation and would welcome your assistance with passing this bill.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** [cadistfam@aol.com](mailto:cadistfam@aol.com) <[cadistfam@aol.com](mailto:cadistfam@aol.com)>  
**Sent:** Friday, May 21, 2021 7:08 AM  
**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Subject:** Proposed Bill - Banning divisive concepts

First Name: Chris  
Last Name: Di Staulo  
Email: [cadistfam@aol.com](mailto:cadistfam@aol.com)  
Phone: (440) 476-2166  
Address:  
163 Elm Court  
Chagrin Falls, OH 44022

Subject: Proposed Bill - Banning divisive concepts

Message: Dear Rep. Grendell,

I read in our local paper that you are sponsoring a bill that would hopefully ban CRT in our Ohio schools. I am in a group of mothers that fully support your efforts and we have been emailing Governor DeWine asking him to ban it in OH schools. One of our mothers wrote this letter that was excellent and I wanted to share it with you. We support you!

The Honorable Michael DeWine,  
Governor of Ohio

I am writing to ask you to ban the teaching of Critical Race Theory (CRT) in Ohio schools. If this self-destructive theory takes hold, it will change the very nature of America.

CRT holds that the most important thing about a person is the color of their skin"not their behavior, not their character or value as a person"their race.

CRT is based on the belief that racism occurs in ALL interactions. It maintains that racism can be found everywhere and encourages us to search for it until it is discovered. Brainwashing our school children to embrace this anti-reality idea as truth would cause devastating division and great distrust between and among human beings in America.

We must remember: "œUnited we stand, divided we fall!â€

American citizens need to work together toward UNITY: in ourselves, our families, our communities, our cities, our States, our Country and in our world. We can begin by embracing the truth that we are human beings and that our value is simply in BEING. School children (and adults) need to be taught to see BEYOND skin color and race, BEYOND creed, BEYOND nationality, BEYOND social and economic status. Our children need to learn to see the PERSON"not just look at a person on the surface, but to truly SEE the whole, real PERSON and marvel at the beauty of that unique human being, created in the image of God and loved by God! It is this truth and reality which gives each of us our dignity, our value and our worth.

Teaching this truth in schools would serve to unify us and elevate us to the dignity of our creation"so we can stand together!

Paulina R

**From:** Chris Di Staulo  
**Sent:** Monday, May 24, 2021 1:36 PM  
**To:** Rep76  
**Subject:** Re: Proposed Bill - Banning divisive concepts

I would be happy to recommend someone that could testify regarding this bill but as a mother of grown children who thankfully were not exposed to such divisive teaching - I just want to promote support in the community. I think someone that has seen the detrimental effects of such teaching first hand would be very effective. Maybe this Beachwood mother that was so strong and courageous in front of this School Board? I don't know her but very impressive!

<https://thepostmillennial.com/watch-black-woman-slams-ohio-school-board-for-critical-race-theory-indoctrination-of-students>

Thanks again for your courage!  
Chris

Sent from my iPhone 7

On May 24, 2021, at 12:32 PM, Rep76@ohiohouse.gov wrote:

Chris,

I appreciate your willingness to assist. Once this bill is assigned to a committee, I would welcome your testimony in support.

Sincerely,

<image001.png>  
E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

---

**From:** Chris Di Staulo <cadistfam@aol.com>  
**Sent:** Sunday, May 23, 2021 6:27 AM  
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Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

**From:** [cadistfam@aol.com](mailto:cadistfam@aol.com) <[cadistfam@aol.com](mailto:cadistfam@aol.com)>  
**Sent:** Friday, May 21, 2021 7:08 AM  
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**Subject:** Proposed Bill - Banning divisive concepts

First Name: Chris  
Last Name: Di Staulo  
Email: [cadistfam@aol.com](mailto:cadistfam@aol.com)  
Phone: (440) 476-2166  
Address:  
163 Elm Court  
Chagrin Falls, OH 44022

Subject: Proposed Bill - Banning divisive concepts

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Teaching this truth in schools would serve to unify us and elevate us to the dignity of our creation"so we can stand together!

Paulina R

**From:** kathyphilpjohnson@yahoo.com  
**Sent:** Monday, May 24, 2021 3:56 PM  
**To:** Rep76  
**CC:** 'Michael Goldstein'  
**Subject:** To Schedule a Meeting with Representative Grendell This Week

Representative Grendell or Brandon,

In follow-up to this morning's telephone message, I spoke briefly with Representative Grendell at a local event and she confirmed that Mike and I should schedule a meeting for this week regarding the upcoming bill to prohibit "divisive concepts" or Critical Race Theory.

Mike and I both have availability on Tuesday, Thursday, or Friday of this week. On Tuesday, I would need to be back in Geauga County for a 7:00 pm meeting, but that leaves a very wide timeslot of availability during the day even with travel time. Hopefully, we can arrange a meeting time for one of those days.

We are reading that that the Texas Senate passed a slightly amended version of an earlier Texas House bill that would ban the teaching of Critical Race Theory in schools. This will likely need to be reconciled in the Texas House, but it seems that Texas is very close to sending a bill to Governor Abbott.

Please advise when we can arrange a meeting this week.

Thanks,

**Kathy Johnson**  
Assistant Ohio State Director  
[www.pjtn.org](http://www.pjtn.org)



**PROCLAIMING JUSTICE  
TO THE NATIONS**

Proclaiming Justice to the Nations  
P.O. Box 682711  
Franklin, TN 37068-2711  
[kathy@pjtn.org](mailto:kathy@pjtn.org)

11263 Chardon Road  
Chardon, OH 44024  
[kathyphilpjohnson@yahoo.com](mailto:kathyphilpjohnson@yahoo.com)  
(440) 376-0149 Mobile

**From:** Rep76  
**Sent:** Tuesday, May 25, 2021 8:51 AM  
**To:** Kelsch, Esther  
**Subject:** RE: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Esther—the bill is undergoing some changes, we would be happy to send the language once it is returned.

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**  
**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
<http://www.ohiohouse.gov/diane-grendell>



---

**From:** Kelsch, Esther <Esther.Kelsch@ohiohouse.gov>  
**Sent:** Monday, May 24, 2021 10:03 AM  
**To:** Rep76 <Rep76@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

Good Morning:

Do you have bill language that you can share for this legislation?

Sincerely,

Esther Kelsch  
Legislative Aide  
Representative Mary Lightbody, District 19  
Ohio House of Representatives  
77 S. High St, 10<sup>th</sup> Floor | Columbus, OH 43215  
[Esther.Kelsch@ohiohouse.gov](mailto:Esther.Kelsch@ohiohouse.gov) | 614.466.4847

---

**From:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Sent:** Friday, May 21, 2021 10:32 AM  
**To:** House\_All <[House\\_All@ohiohouse.gov](mailto:House_All@ohiohouse.gov)>  
**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, 76<sup>th</sup> 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.

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- 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](mailto:Rep76@ohiohouse.gov).

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

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

**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

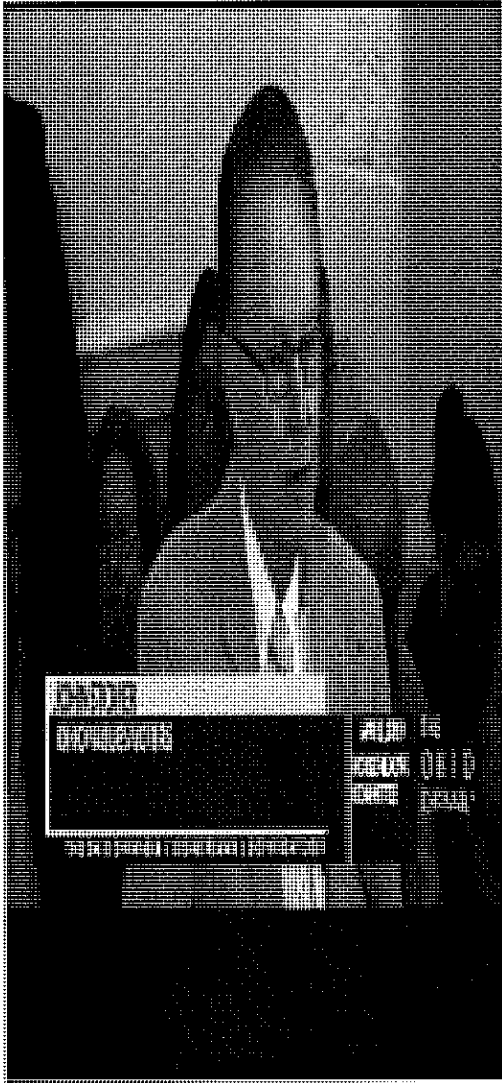


Three hundred people attended the Forest Hills School Board Meeting last night with both sides voicing their opinions and concerns about Critical Race Theory. It seems there are some good pieces to the "C.A.R.E. team" but a top-to-bottom review is needed to make sure there is no Critical Race Theory 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)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by [diane@ohiovaluevoters.org](mailto:diane@ohiovaluevoters.org) powered by





Try email marketing for free today!

**From:** Rep76  
**Sent:** Tuesday, May 25, 2021 10:06 AM  
**To:** 'jstover1'  
**Subject:** Conference Line - CRT

John,

Attached is the conference call information for tomorrow, May 26 at 9:00am.

1. Dial 1-877-820-7831
2. Dial the toll-free number and enter the Participant Passcode followed by the pound (#) key.

**Participant Passcode: 754831**

Confirmed for the conference line are OK Senator David Bullard, OK Rep. Kevin West, Idaho Rep. Wendy Horman, and Arkansas Rep. Mark Lowery.

-Brandon

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** riversedgeart@gmail.com  
**Sent:** Tuesday, May 25, 2021 11:29 AM  
**To:** Rep76  
**Subject:** Critical Race and more

First Name: gary  
Last Name: Schmidt  
Email: riversedgeart@gmail.com  
Address:  
18846 Rivers Edge Dr W  
Chagrin Falls, OH 44023

Subject: Critical Race and more

Message: I am concerned about Critical Race Theory and the 1619 project being taught in Ohio schools. You need to be at the forefront of the effort to stop these Democrat anti American propaganda. Other Republican states are taking a real stand, why not Ohio. Is Ohio receiving illegals into our communities? If so why. To do nothing at this time is to surrender to a one party country in the future.

**From:** Rep76  
**Sent:** Tuesday, May 25, 2021 3:15 PM  
**To:** 'riversedgeart@gmail.com'  
**Subject:** RE: Critical Race and more

Gary,

Thank you for your email. I have introduced legislation to prohibit the teaching of divisive concepts in our schools, including critical race theory. The legislation is awaiting a rules and reference hearing to receive a committee assignment.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

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**From:** Gary Schmidt  
**Sent:** Tuesday, May 25, 2021 10:33 PM  
**To:** Rep76  
**Subject:** Re: Critical Race and more

Very glad to hear it, thanks.

On May 25, 2021, at 3:14 PM, [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) wrote:

Gary,

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<image001.png>

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P: 614.644.5088

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**To:** Rep76 <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>

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**From:** john.speakman@gmail.com  
**Sent:** Wednesday, May 26, 2021 7:58 AM  
**To:** Rep76  
**Subject:** ban on 'critical race theory' teaching

First Name: John  
Last Name: Speakman  
Email: john.speakman@gmail.com  
Phone: (614) 989-2159  
Address:  
8333 Breckenridge Way  
Columbus, OH 43235

**Subject:** ban on 'critical race theory' teaching

Message: Diane I support your efforts! Keep up the good work, get this across the finish line!

-John

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8333 Breckenridge Way  
Columbus, OH 43235

Subject: ban on 'critical race theory' teaching

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-John



**From:** Mark Lowery

**Sent:** Wednesday, May 26, 2021 9:38 AM

**To:** Rep76

**Subject:** Re: Conference Invitation - State Representative Diane V. Grendell of Ohio - Divisive Concepts Bill Discussion

I am on the call - came in late.

*Rep. Mark Lowery*

**Chairman, Insurance and Commerce**

District 39

Cell phone - 501-837-5221

Sent from my iPhone

On May 21, 2021, at 12:32 PM, Rep76@ohiohouse.gov wrote:

754831

**From:** P Henry  
**Sent:** Wednesday, May 26, 2021 10:32 AM  
**To:** Rep50  
**CC:** Rep51  
**Subject:** Fwd: Ohio's Sovereignty

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

----- Forwarded message -----  
**From:** P Henry <p.henry5524@gmail.com>  
**Date:** Wed, May 26, 2021 at 10:24 AM  
**Subject:** Ohio's Sovereignty  
**To:** <Rep01@ohiohouse.gov>  
**Cc:** <Rep02@ohiohouse.gov>

Ohio is not doing enough to assure the protection of its citizens.  
And since our Governor is spending all his time playing the lotto--  
you will have to take on the responsibility for that protection even more than you have. After speaking with  
thousands of Ohioans , this is legislation that we would like to see implemented asap;

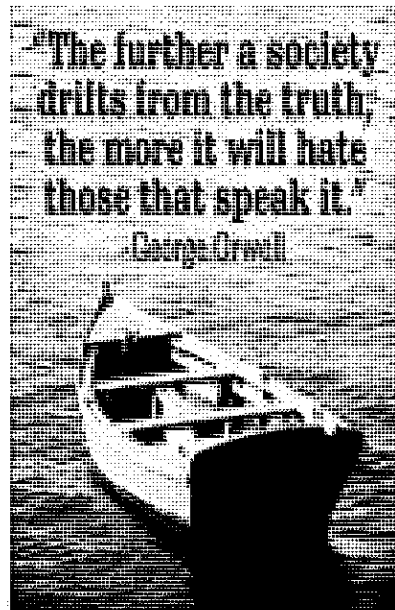
1. Passage of HB 248 -no passport ID's for anyone , anyplace in Ohio!
2. Removal of Equity programs and Critical Race Theory curriculum from our schools and all government agencies . If they don't comply, remove their funding. Equity and CRT programs are tools of Racism, Bigotry, Prejudice and Hatred of white people that is being used by Black Lives Matter Inc. to divide conquer and destroy America.
3. Control Censorship that Facebook, Twitter, Instagram,Google have imposed on thousands of citizens in an effort to prevent free speech on their platform. Governor of Florida just passed into law a fine of \$ 100,000 -\$ 250, 000 per day on those Social Media giants----- should they be found guilty.

Legislators, DC is Marist-we are counting on you.

Pat Henry  
Citizens to Keep Ohio Free

**From:** Auburntownship.org  
**Sent:** Wednesday, May 26, 2021 3:37 PM  
**To:** Rep76  
**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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Our mailing address is:

[nfn@post.com](mailto:nfn@post.com)

This email was sent to [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)

[why did I get this?](#) [unsubscribe from this list](#) [update subscription preferences](#)

Auburntownship.org · 10400 Lindsay Ln · Chagrin Falls, OH 44023-5203 · USA



**From:** red.h.townsend@gmail.com  
**Sent:** Wednesday, May 26, 2021 3:41 PM  
**To:** Rep76  
**Subject:** House Bill 322

First Name : Red

Last Name : Townsend

Address : 745-24 Windward Dr

City : Aurora

State : OH

Zip : 44202

Phone : (330) 554-5621

Email : red.h.townsend@gmail.com

Subject :  
House Bill 322

Message :

Please vote AGAINST House Bill 322 sponsored by Rep. Don Jones.

This bill is bad policy and it is state censorship of ideas. It is legislation that I would expect in a repressive dictatorship. The USA is the home for free expression and open exchange of ideas. It is not the place for fetters on academic thought.

Please vote against it. Thank you for your time.

House Bill 322

"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."

**From:** rlb6612@gmail.com  
**Sent:** Wednesday, May 26, 2021 10:59 PM  
**To:** Rep76  
**Subject:** Ban Critical Race Theory

First Name : Robin

Last Name : Brown

Address : 6612 Kelton Place

City : Dayton

State : OH

Zip : 45424

Phone : (937) 602-1778

Email : rlb6612@gmail.com

Subject :  
Ban Critical Race Theory

Message :

Dear Rep. Grendell,

I oppose divisive concepts being taught in Ohio public schools at any grade level, namely critical race theory.

This philosophy supposes that one race is inherently racist and is always the oppressor. This idea directly pits one race in conflict with another. It makes the "oppressor" class of students feel guilty of crimes and offenses they did not commit. In contrast, this teaching would leave the "oppressed" class of students feeling superior or entitled. When this is taught as an unchangeable fact, it can only cause division and hostility between students that could lead to aggression or even worse in the classroom.

With these horrible outcomes, how can our children become a united student body regardless of race, color, or gender? How will they learn that all people are created equal and are to be treated equally under the law? Therefore I urge you to continue to fight for a bill that bans the teaching of divisive concepts based on race, color, nationality, or sex.

Sincerely,

Robin Brown

**From:** tnorton770@yahoo.com  
**Sent:** Thursday, May 27, 2021 7:33 AM  
**To:** Rep76  
**Subject:** HB 322

First Name : Thomas

Last Name : Norton

Address : 10945 Sherman Rd.

City : Chardon

State : OH

Zip : 44024

Phone : (440) 286-1703

Email : tnorton770@yahoo.com

Subject :  
HB 322

Message :

I strongly urge you to vote for the banning of Critical Race Theory in Ohio schools!!

**From:** Rep76

**Sent:** Thursday, May 27, 2021 8:42 AM

**To:** 'Diane\_Grendell.OHR.4407296145@fax2mail.com'

**Subject:**

**Attachments:** R1334-134.pdf





www.lsc.ohio.gov

# OHIO LEGISLATIVE SERVICE COMMISSION

Wendy Zhan, Director

Office of Research  
and Drafting

Legislative Budget  
Office

R-134-1334

**To:** The Honorable Diane Grendell  
Ohio House of Representatives

**From:** Holly Cantrell Gilman, Attorney *HCG*

**Date:** May 26, 2021

**Subject:** Comparison of H.B. 322 and H.B. 327

You asked for a comparison of H.B. 322 and H.B. 327, both of the 134<sup>th</sup> General Assembly. These bills place similar and sometimes identical requirements and prohibitions on certain public entities related to the teaching of what is often referred to as critical race theory. You also asked how these bills might be combined into one. I hope you find this memorandum useful. As always, please feel free to contact me at (614) 466-5041 or [holly.cantrell@lsc.ohio.gov](mailto:holly.cantrell@lsc.ohio.gov) with any questions related to its content.

## Introduction

H.B. 327, introduced by Representatives Grendell and Fowler Arthur, generally prohibits school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.<sup>1</sup> For purposes of the bill, a state agency includes every organized body, office, or agency that exercises any government function, including a state institution of higher education and state retirement and pension funds. It addresses discrimination and other unfair treatment on the basis of any of the following: (1) nationality, (2) color, (3) ethnicity, (4) race, and (5) sex (hereinafter "race, etc.").<sup>2</sup>

H.B. 322, introduced by Representative Jones, prohibits state agencies, school districts, school administration, community schools, and STEM schools from teaching, instructing, or training an employee to adopt or believe concepts that are divisive. However, it addresses discrimination and unfair treatment on the basis of only race, sex, or in some cases both.

---

<sup>1</sup> Community schools and STEM schools are subject to the provisions of both bills through references in R.C. 3314.03(A)(11)(d) and 3326.11.

<sup>2</sup> One provision, notated below, also applies to religion and geographic regions.

## Combination of the bills

A combination of these two bills appears to be relatively straightforward. One of many ways the combined bill could be structured is as follows:

1. Use H.B. 327 as the base and do not remove any provisions;
2. Apply all prohibitions and requirements to school districts, community schools, STEM schools, state agencies, and school administrators;
3. Address discrimination and other unfair treatment at least on the basis of nationality, color, ethnicity, race, sex, religion, and geographic region;
4. Apply provisions to all courses of instruction, not just History and related subject areas; and
5. Incorporate the responsibilities, prohibitions, and divisive concepts from H.B. 322 that are not already included in H.B. 327.

## Comparison

The provisions of H.B. 322 that are not already included in H.B. 327 and not discussed in the list above are marked with bold asterisks in the table below.

H.B. 327 (Grendell and Fowler Arthur)	H.B. 322 (Jones)
<b>Responsibilities – Department of Administrative Services</b>	
Develop a policy that (1) complies with the bill’s provisions (specifically those described in “ <b>Prohibitions</b> ” and “ <b>Divisive concepts</b> ” below), (2) incorporates the requirements of diversity and inclusion efforts, and (3) encourages employees not to judge each other based on race, etc ( <i>R.C. 4113.35(D)</i> ).	No provision.
Establish rules for the implementation and enforcement of the policy ( <i>R.C. 4113.35(D)</i> ).	No provision.
<b>Responsibilities – heads of state agencies</b>	
Review grant programs and identify any that may require certification that a recipient will not use funds to promote divisive concepts (see below) ( <i>R.C. 4113.35(C)(1)</i> ).	No provision.
Review employee training programs relating to diversity or inclusion to ensure compliance with the bill’s provisions ( <i>R.C. 4113.35(C)(2)</i> ).	No provision.

H.B. 327 (Grendell and Fowler Arthur)	H.B. 322 (Jones)
Ensure compliance with the bill's provisions by agencies, employees during work hours, and contractors <i>(R.C. 4113.35(C)(3))</i> .	No provision.
Encourage agency employees not to judge each other based on their color, race, ethnicity, sex, or any other characteristic protected by federal or state law <i>(R.C. 4113.35(C)(4))</i> .	No. provision.
If a contracted entity promotes divisive concepts and violates a public contract, evaluate whether to pursue debarment of contractor <i>(R.C. 4113.35(C)(2))</i> .	No provision.
<b>Responsibilities – Superintendent of Public Instruction</b>	
In the event that a district or school knowingly violates the bill's provisions, withhold state funding from the district or school until the Department of Education determines the district or school is compliant <i>(R.C. 3313.6027(C))</i> .	No provision.
<b>Responsibilities – State Board of Education</b>	
Adopt rules regarding implementation of and monitoring compliance with the bill's provisions (permissive) <i>(R.C. 3313.6027(E))</i> .	No provision.
No provision.	Must not adopt any model curriculum regarding concepts that are divisive <i>(R.C. 3301.079(B)(1), last paragraph)</i> .*
<b>Prohibitions</b>	
Prohibits teaching, instructing, or training any divisive concepts, as described in " <b>Divisive concepts</b> " below <i>(R.C. 3313.6027(B)(1) and 4113.35(B)(1))</i> .	Prohibits teaching, instructing, or training an administrator, teacher, staff, member, or employee to adopt or believe any concept described in " <b>Divisive concepts</b> " below <i>(R.C. 3313.6028(A))</i> .
With respect to state agencies, prohibits penalizing or discriminating against an employee on account of refusing to support divisive concepts <i>(R.C. 4113.35(B)(2))</i> .	No provision.

H.B. 327 (Grendell and Fowler Arthur)	H.B. 322 (Jones)
No provision.	Prohibits requiring a teacher, by policy, 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 ( <i>R.C. 3313.6029</i> ).*
Prohibits requiring a student to advocate for or against a specific topic or point of view to receive credit for any coursework ( <i>R.C. 3313.6027(B)(1)</i> ).	Prohibits a district or school from making part of a course in History, Civics, U.S. Government, Politics, Social Studies, or similar subject area, or awarding course grading or credit for (1) lobbying, (2) work, affiliation, or service in association with a lobbying organization, or (3) practicum, action project, or similar activity involving social or public policy advocacy ( <i>R.C. 3313.6027(B)</i> ).*
No provision.	Prohibits awarding credit that counts toward high school graduation for a course that includes any concept described below ( <i>R.C. 3313.6028(C)</i> ).*
Prohibits accepting private funding to develop curriculum, purchase or select course materials, or provide training for a course promoting divisive concepts ( <i>R.C. 3313.6027(B)(2)</i> and <i>4113.35(B)(3)</i> ).	Same, except limited to History, Civics, U.S. Government, Politics, Social Studies, or similar subject areas ( <i>R.C. 3313.6027(C)</i> ).
With respect to state agencies, prohibits requiring an employee to complete a curriculum including divisive concepts as a condition or prerequisite of employment ( <i>R.C. 4113.35(B)(2)</i> ).	No provision.
No provision.	Prohibits requiring a teacher of History, Civics, U.S. Government, Politics, Social Studies, or similar subject areas to discuss current events or widely debated and currently controversial issues of public policy or social affairs ( <i>R.C. 3313.6027(A)</i> ).*
No provision.	Prohibits approving, using, or carrying out standards, curricula, etc., that serve to inculcate any of the concepts by teacher, administrator, or state employee ( <i>R.C. 3313.6028(B)</i> ).*
<b>Divisive concepts – that must be prohibited by agencies and schools</b>	
One race, etc. is inherently superior to another race, etc. ( <i>R.C. 3313.6028(A)(1)(a)</i> ).	Same, except as noted in "Introduction" above, only race and sex ( <i>R.C. 3313.6028(A)(1)</i> ).

H.B. 327 (Grendell and Fowler Arthur)	H.B. 322 (Jones)
The United States is fundamentally racist or sexist (R.C. 3313.6028(A)(1)(b)).	No provision.
An individual, by virtue of the individual's race, etc., is inherently racist, sexist, or oppressive, whether consciously or unconsciously (R.C. 3313.6028(A)(1)(c)).	Same, only race and sex (R.C. 3313.6028(A)(2)).
An individual should be discriminated against or receive adverse treatment because of the individual's race, etc. (R.C. 3313.6028(A)(1)(d)).	Same, only race (R.C. 3313.6028(A)(3)).
Members of one race, etc. cannot and should not attempt to treat others without respect to race, etc. (R.C. 3313.6028(A)(1)(e)).	Same, only race (R.C. 3313.6028(A)(4)).
An individual's moral character is determined by the individual's race, etc. (R.C. 3313.602(A)(1)(f)).	Same, except (1) standing or worth* instead of character and (2) only race and sex (R.C. 3313.6028(A)(5)).
By virtue of an individual's race, etc., an individual bears responsibility for actions committed in the past by other members of the same race, etc. (R.C. 3313.6028(A)(1)(g)).	Same, only race and sex (R.C. 3313.6028(A)(6)).
No provision.	Advent of slavery in the United States constituted the true founding of the United States (R.C. 3313.6028(A)(10)).*
No provision.	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 (R.C. 3313.6028(A)(11)).*
No provision.	An individual should feel psychological distress on account of the individual's race or sex (R.C. 3313.6028(A)(7)).*
Meritocracy and hard work ethic are racist or sexist or were created by a particular race, etc. to oppress another race, etc. (R.C. 3313.6028(A)(1)(h)).	Same, only race and sex (R.C. 3313.6028(A)(8)).

H.B. 327 (Grendell and Fowler Arthur)	H.B. 322 (Jones)
<p>No provision.</p> <p>Race or sex stereotyping – ascribing character, traits, values, moral and ethical codes, privileges, status, or beliefs to a race, etc., or to an individual because of the individual’s race, etc. <i>(R.C. 3313.6028(A)(2))</i>.</p> <p>Race or sex scapegoating – assigning fault, blame, or bias to a race, etc. or to members of a race, etc. because of that characteristic (including claims that one is inherently racist, sexist, or inclined to oppress others <i>(R.C. 3313.6028(A)(3))</i>).</p>	<p>Fault, blame, or bias should be assigned to a race or sex or members of that race or sex because of their race or sex <i>(R.C. 3313.6028(A)(9))</i>.*</p> <p>No provision.</p> <p>No provision.</p>
Concepts that are not divisive	
<p>Teaching divisive concepts in an objective manner without endorsement <i>(R.C. 3313.6027(D) and 4113.35(E))</i>.</p> <p>Discussing the history of an ethnic group as described in textbooks and instructional materials adopted in accordance with continuing law <i>(R.C. 3313.6027(D)(1) and 4113.35(E)(1))</i>.</p> <p>The impartial discussion of controversial aspects of history <i>(R.C. 3313.6027(D)(2) and 4113.35(E)(2))</i>.</p> <p>The impartial discussion on historical expression of a group based on race, etc., religion, or geographic region <i>(R.C. 3313.6027(D)(3), (3) and 4113.35(E)(3))</i>.</p> <p>Permitted historical documents such as the national motto, national anthem, the Ohio Constitution, the U.S. Constitution, the Revised Code, federal law, and the U.S. Supreme Court decisions <i>(R.C. 3313.6027(D)(4) and 4113.35(E)(4))</i>.</p>	<p>No provision.</p> <p>No provision.</p> <p>No provision.</p> <p>No provision.</p> <p>No provision.</p>

**From:** Rep76  
**Sent:** Thursday, May 27, 2021 10:05 AM  
**To:** 'tnorton770@yahoo.com'  
**Subject:** RE: HB 322

Thomas,

Thank you for your email. While House Bill 322 is a good start, I have introduced further Critical Race Theory Legislation under House Bill 327 that is more comprehensive: It includes, K-12, colleges, and state agencies. More information on HB 327 can be found at the following link: <https://ohiohouse.gov/legislation/134/hb327>

I would welcome your support of my legislation and assistance with its passage.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

-----Original Message-----

From: tnorton770@yahoo.com <tnorton770@yahoo.com>  
Sent: Thursday, May 27, 2021 7:33 AM  
To: Rep76 <Rep76@ohiohouse.gov>  
Subject: HB 322

First Name : Thomas

Last Name : Norton

Address : 10945 Sherman Rd.

City : Chardon

State : OH

Zip : 44024

Phone : (440) 286-1703

Email : tnorton770@yahoo.com

Subject :  
HB 322

Message :

I strongly urge you to vote for the banning of Critical Race Theory in Ohio schools!!

**From:** Rep76  
**Sent:** Thursday, May 27, 2021 10:47 AM  
**To:** 'rlb6612@gmail.com'  
**Subject:** RE: Ban Critical Race Theory

Robin,

Thank you for your email. I agree with you- teaching divisive concepts that destroy any sense of individualism directly goes against every value of our nation. With this in mind, I have introduced House Bill 327 to prohibit the teaching of divisive concepts and promote dignity and nondiscrimination in our state. Further information on the legislation can be found at the following link: <https://ohiohouse.gov/legislation/134/hb327>.

I appreciate your support and would welcome your assistance with passing this legislation.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House 76

-----Original Message-----

From: rlb6612@gmail.com <rlb6612@gmail.com>  
Sent: Wednesday, May 26, 2021 10:59 PM  
To: Rep76 <Rep76@ohiohouse.gov>  
Subject: Ban Critical Race Theory

First Name : Robin

Last Name : Brown

Address : 6612 Kelton Place

City : Dayton

State : OH

Zip : 45424

Phone : (937) 602-1778

Email : rlb6612@gmail.com

Subject :  
Ban Critical Race Theory

Message :

Dear Rep. Grendell,

I oppose divisive concepts being taught in Ohio public schools at any grade level, namely critical race theory.

This philosophy supposes that one race is inherently racist and is always the oppressor. This idea directly pits one race in conflict with another. It makes the âoppressorâ class of students feel guilty of crimes and offenses they did not commit. In contrast, this teaching would leave the âoppressedâ class of students feeling superior or entitled. When this is taught as an unchangeable fact, it can only cause division and hostility between students that could lead to aggression or even worse in the classroom.

With these horrible outcomes, how can our children become a united student body regardless of race, color, or gender? How will they learn that all people are created equal and are to be treated equally under the law ?Therefore I urge you to continue to fight for a bill



that bans the teaching of divisive concepts based on race, color, nationality, or sex.

Sincerely,

Robin Brown

**From:** Rep76  
**Sent:** Thursday, May 27, 2021 11:09 AM  
**To:** 'chrislong@ohioca.org'  
**Subject:** HB 327

Chris,

Representative Grendell requested I share our copy of House Bill 327—information on the bill and its cosponsors can be found at the following link: <https://ohiohouse.gov/legislation/134/hb327>.

We are currently working on changes to the bill and will have sub bill for the legislation in the coming weeks.

Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

**From:** chrislong@ohioca.org  
**Sent:** Thursday, May 27, 2021 11:27 AM  
**To:** Rep76  
**Subject:** RE: HB 327

Very good, what committee will this be in?

Chris Long

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 27, 2021 11:09 AM  
**To:** 'chrislong@ohioca.org' <chrislong@ohioca.org>  
**Subject:** HB 327

Chris,

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Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
**Legislative Aide**  
**State Representative Diane V. Grendell**



**Ohio's 76<sup>th</sup> House District**  
**(614)-644-5088**  
<http://www.ohiohouse.gov/diane-grendell>

**From:** Rep76  
**Sent:** Thursday, May 27, 2021 1:45 PM  
**To:** 'chrislong@ohioca.org'  
**Subject:** RE: HB 327

Chris,

We are not sure which committee it will be assigned to yet.

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
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**From:** chrislong@ohioca.org <chrislong@ohioca.org>  
**Sent:** Thursday, May 27, 2021 11:27 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** RE: HB 327

Very good, what committee will this be in?

Chris Long

**From:** [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)>  
**Sent:** Thursday, May 27, 2021 11:09 AM  
**To:** 'chrislong@ohioca.org' <[chrislong@ohioca.org](mailto:chrislong@ohioca.org)>  
**Subject:** HB 327

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Best,

*Brandon J. Hendrickson*



*Brandon J. Hendrickson*

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**From:** chrislong@ohioca.org  
**Sent:** Thursday, May 27, 2021 1:51 PM  
**To:** Rep76  
**Subject:** RE: HB 327

Keep us posted! Thanks

---

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 27, 2021 1:45 PM  
**To:** 'chrislong@ohioca.org' <chrislong@ohioca.org>  
**Subject:** RE: HB 327

Chris,

We are not sure which committee it will be assigned to yet.

-Brandon

Best,

*Brandon J. Hendrickson*



**Brandon J. Hendrickson**  
Legislative Aide  
State Representative Diane V. Grendell



Ohio's 76<sup>th</sup> House District  
(614)-644-5088  
<http://www.ohiohouse.gov/diane-grendell>

---

**From:** chrislong@ohioca.org <chrislong@ohioca.org>  
**Sent:** Thursday, May 27, 2021 11:27 AM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** RE: HB 327

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Chris Long

---

**From:** Rep76@ohiohouse.gov <Rep76@ohiohouse.gov>  
**Sent:** Thursday, May 27, 2021 11:09 AM  
**To:** 'chrislong@ohioca.org' <chrislong@ohioca.org>  
**Subject:** HB 327

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Best,

*Brandon J. Hendrickson*



Brandon J. Hendrickson

Legislative Aide

State Representative Diane V. Grendell

Ohio's 76<sup>th</sup> House District

(614)-644-5088

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



**From:** Kelsey Bergfeld  
**Sent:** Friday, May 28, 2021 8:05 AM  
**To:** Rep76  
**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."

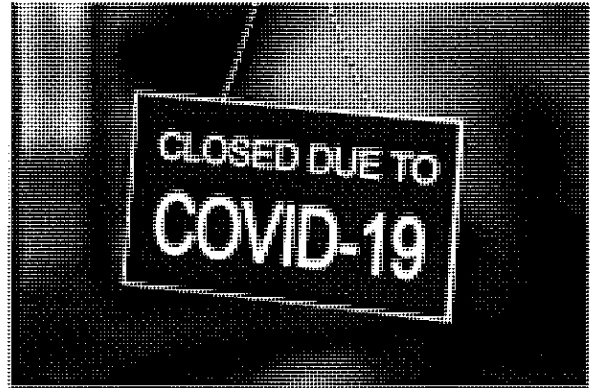
- House Bill 322 (Rep. Jones, R-Freeport), Regards the teaching of certain current events, race, and sex
- House Bill 327 (Rep. Grendell, R-Chesterland; Rep. Fowler, R-Geneva-on-the-Lake), Prohibit teaching, advocating, or promoting divisive concepts

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!



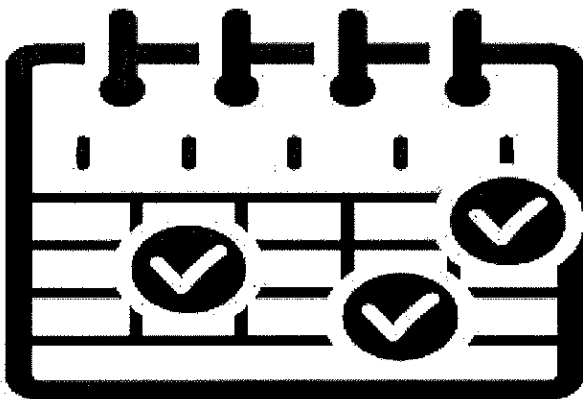
## Loss of Federal Pandemic Unemployment

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.



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## 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](#)

---

Invest in our state's most valuable resource — our people!

[Donate to AOFI](#)



Advocates for Ohio's Future

175 S. Third Street, Suite 350

Columbus, OH 43215

USA

[Unsubscribe](#)



**From:** sarasota6@twc.com  
**Sent:** Friday, May 28, 2021 9:40 AM  
**To:** Rep76  
**Subject:** Legislation â€œCRTâ€

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 your bill against the implementation of CRT in Ohio. I have 4 grandchildren in public schools & the thought of this philosophy being integrated into their education was beyond troubling. Regards, Jill Hale

**From:** Susan Tebben  
**Sent:** Friday, May 28, 2021 10:51 AM  
**To:** Rep76  
**Subject:** HB 327

Hi Rep. Grendell-

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 as the author. I also just have some general follow-up questions post-bill introduction. 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](mailto:stebben@ohiocapitaljournal.com)  
(740) 707-4568

**From:** Jim Bohinc  
**Sent:** Friday, May 28, 2021 11:08 AM  
**To:** Skipclayyahoo; Lisa Luoma; Rep76  
**Subject:** this guy needs to be fired

<https://flagandcross.com/ohio-university-assigning-race-based-diversity-scores-to-new-faculty-applicants/>

**From:** Pamela Shaker-Maurer  
**Sent:** Friday, May 28, 2021 12:00 PM  
**To:** Rep76  
**Subject:** Our Military does not need "woke training"

Dear Representative Grendell,

The might of the American military has been feared the world over.

Recently, however, I am concerned about some of the training that is happening within branches of the military that focuses on social engineering, critical race theory, and limiting the freedoms of conservative-minded military members. Please reject any push to bring "woke culture" to our military. Our focus should be on training to be dominating on the battlefield, not woke and politically correct.

I am one of over a quarter million believers praying for you and other elected officials with the Intercessors for America national network. Know that I deeply appreciate our military and their families and am praying for them regularly.

Thank you for reading my message.

Sincerely,

Pamela Shaker-Maurer  
9711 Pekin Rd  
Novelty, OH 44072  
maurerpamela@me.com



**From:** Deborah Guebert  
**Sent:** Friday, May 28, 2021 3:06 PM  
**To:** Rep76; Rep99  
**Subject:** HB327

Bless you brave ladies for introducing this bill to try to save our kids from further psychological abuse. Really, I think the whole system of public education needs to be shut down and started from scratch with only local level input. Federal funding = Federal interference, whatever denials are bandied about. Even state level funding has been co-opted by the radical "progressives", aka socialists/communists. ODE must go!!  
Deborah

**From:** Equality Ohio

**Sent:** Friday, May 28, 2021 4:00 PM

**To:** Rep76

**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



Equality Ohio  
370 S 5th St Ste G3  
Columbus, OH 43215  
United States

If you believe you received this message in error or wish to no longer receive email from us, please [unsubscribe](#).



**From:** Betty Jo Dickson  
**Sent:** Friday, May 28, 2021 9:02 PM  
**To:** Rep76  
**Subject:** Our Military does not need "woke training"

Dear Representative Grendell,

The might of the American military has been feared the world over.

Recently, however, I am concerned about some of the training that is happening within branches of the military that focuses on social engineering, critical race theory, and limiting the freedoms of conservative-minded military members. Please reject any push to bring "woke culture" to our military. Our focus should be on training to be dominating on the battlefield, not woke and politically correct.

I am one of over a quarter million believers praying for you and other elected officials with the Intercessors for America national network. Know that I deeply appreciate our military and their families and am praying for them regularly.

Thank you for reading my message.

Sincerely,

Betty Jo Dickson  
PO Box 317  
Windham, OH 44288  
betjodee86@yahoo.com

**From:** lynnwallen@icloud.com  
**Sent:** Saturday, May 29, 2021 9:28 PM  
**To:** Rep76  
**Subject:** Fight Critical Race Theory - thank you - resources

First Name : Lynn

Last Name : Allen

Address : 2424 Valhalla Ct

City : Xenia

State : OH

Zip : 45385

Phone :

Email : lynnwallen@icloud.com

Subject :  
Fight Critical Race Theory - thank you - resources

Message :  
Please look at the following resources to help in the fight.

<https://uspie.org/downloadable-resources>

God bless you!

Fighting with you!

**From:** td4453smith@gmail.com  
**Sent:** Monday, May 31, 2021 2:38 PM  
**To:** Rep76  
**Subject:** Critical Race Theory

First Name : Timothy

Last Name : Smith

Address : 4453 Porter Rd

City : North Olmsted

State : OH

Zip : 44070

Phone : (440) 779-1206

Email : td4453smith@gmail.com

Subject :  
Critical Race Theory

Message :

This pretty much says it: "This bill is the epitome of cancel culture," Weinstein told the OCJ on Tuesday. "Trying to wipe out and ignore our history while imposing big government on school districts to limit First Amendment rights in an unconstitutionally broad and vague way. It is chilling and reminiscent of the 'thought police.'"

It appears you are trying to keep people ignorant of the facts so they won't question the real world. The only people you are protecting are Republicans and miss information. Sneaky Republicans who think the rest of us are just ignorant and can't see what you are trying to do.

What is your belief concerning evolution? How old is the world?

**From:** karensueburton@cinci.rr.com  
**Sent:** Monday, May 31, 2021 5:07 PM  
**To:** Rep76  
**Subject:** HB322

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 :

Please support HB322. The local schools in Ohio are teaching Ibram X. Kendi's white privilege / black victimhood lies to children in K-12 publicly funded schools. Some are even replacing the USA flag with BLM flags.

Conservative voters who are aware of this want Critical Race Theory, heavily supported by the 1619 Project, removed from our schools as quickly as possible.

Please help restore traditional, patriotic education to Ohio public schools.

Here is a website that has multiple sources to explain what CRT is:

<https://kingscommunityforeducationintegrity.org/what-is-crt%3F>

**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

**SIGN OUR PETITION: STOP INDOCTRINATION IN OHIO SCHOOLS**

---

Meet Our Regional Co-Chairs



**Jonathan Broadbent**  
North Region

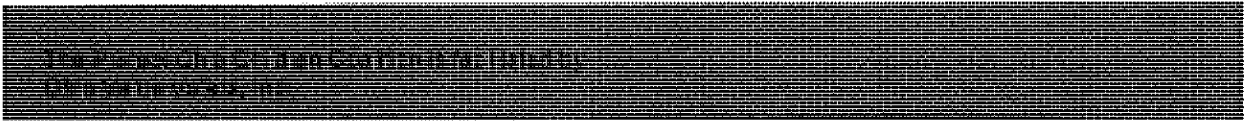


**Cathy Pultz**  
Central Region





Jen Burr  
South Region



[Unsubscribe dianestover@aol.com](#)

[Update Profile](#) | [Constant Contact Data Notice](#)

Sent by [director@protectohiochildren.net](mailto:director@protectohiochildren.net) powered by



Try email marketing for free today!

**From:** Rep76  
**Sent:** Tuesday, June 1, 2021 10:03 AM  
**To:** 'lynnwallen@icloud.com'  
**Subject:** RE: Fight Critical Race Theory - thank you - resources

**Follow Up Flag:** Flag for follow up  
**Flag Status:** Flagged

Lynn,

I appreciate you sharing this resource. This will be helpful as my legislation, House Bill 327, begins its committee process. I will need all your support to pass this bill; I have copied its webpage for your review (<https://ohiohouse.gov/legislation/134/hb327>).

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

-----Original Message-----

From: lynnwallen@icloud.com <lynnwallen@icloud.com>  
Sent: Saturday, May 29, 2021 9:28 PM  
To: Rep76 <Rep76@ohiohouse.gov>  
Subject: Fight Critical Race Theory - thank you - resources

First Name : Lynn

Last Name : Allen

Address : 2424 Valhalla Ct

City : Xenia

State : OH

Zip : 45385

Phone :

Email : lynnwallen@icloud.com

Subject :  
Fight Critical Race Theory - thank you - resources

Message :  
Please look at the following resources to help in the fight.

<https://uspie.org/downloadable-resources>

God bless you!

Fighting with you!

**From:** Susan Tebben  
**Sent:** Tuesday, June 1, 2021 10:10 AM  
**To:** Rep76  
**Subject:**

Hi Rep. Grendell -

I hope this email finds you well. I wanted to have a quick chat over the phone with you about a bill you're sponsoring, House Bill 327.

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 tomorrow (Wednesday), 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  
O: (614) 324-3272  
C: (740) 707-4568  
[stebben@ohiocapitaljournal.com](mailto:stebben@ohiocapitaljournal.com)  
Twitter: @susantebben

**From:** Rep76  
**Sent:** Tuesday, June 1, 2021 10:37 AM  
**To:** 'betjodee86@yahoo.com'  
**Subject:** RE: Our Military does not need "woke training"

Betty Jo,

Thank you for your email. I will do all that I can to oppose these teachings-- I have introduced House Bill 327, legislation that seeks to prohibit these types of divisive teachings. I have included a link to the bill for your review:  
<https://ohiohouse.gov/legislation/134/hb327>.

I will need your help to pass this legislation once its committee process begins.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

-----Original Message-----

**From:** Betty Jo Dickson <user@votervoice.net>  
**Sent:** Friday, May 28, 2021 9:02 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Our Military does not need "woke training"

Dear Representative Grendell,

The might of the American military has been feared the world over.

Recently, however, I am concerned about some of the training that is happening within branches of the military that focuses on social engineering, critical race theory, and limiting the freedoms of conservative-minded military members. Please reject any push to bring "woke culture" to our military. Our focus should be on training to be dominating on the battlefield, not woke and politically correct.

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Thank you for reading my message.

Sincerely,

Betty Jo Dickson  
PO Box 317  
Windham, OH 44288  
betjodee86@yahoo.com

**From:** Rep76  
**Sent:** Tuesday, June 1, 2021 10:45 AM  
**To:** 'maurerpamela@me.com'  
**Subject:** RE: Our Military does not need "woke training"

Pamela,

Thank you for your email. I will do all that I can to oppose these teachings-- I have introduced House Bill 327, legislation that seeks to prohibit these types of divisive teachings. I have included a link to the bill for your review:  
<https://ohiohouse.gov/legislation/134/hb327>.

I will need your help to pass this legislation once its committee process begins.

Sincerely,

Diane V. Grendell  
State Representative  
Ohio House District 76

-----Original Message-----

**From:** Pamela Shaker-Maurer <user@votervoice.net>  
**Sent:** Friday, May 28, 2021 12:00 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Our Military does not need "woke training"

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Thank you for reading my message.

Sincerely,

Pamela Shaker-Maurer  
9711 Pekin Rd  
Novelty, OH 44072  
maurerpamela@me.com



**From:** Rep76  
**Sent:** Friday, June 11, 2021 4:18 PM  
**To:** 'Maggie Kohl'  
**Subject:** RE: Introduction from Christopher Rufo  
**Attachments:** l\_134\_1448-3.pdf

Maggie,

I hope you have been well. My legislation, House Bill 327, is slated to begin committee hearings soon.

Would Chris be willing to testify on the legislation? If so, if he could send his written testimony to our email, I would appreciate it.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

**From:** Maggie Kohl <mjk@christopherrufo.com>  
**Sent:** Wednesday, May 12, 2021 6:40 PM  
**To:** Rep76 <Rep76@ohiohouse.gov>  
**Subject:** Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,  
Maggie

I\_134\_1448-3

134th General Assembly  
Regular Session  
2021-2022

Sub. H. B. No. 327

**A BILL**

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

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

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

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

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



(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

<u>sex.</u>	45
<u>(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.</u>	46 47 48
<u>(f) An individual's moral character is necessarily determined by the individual's nationality, race, color, ethnicity, religion, or sex.</u>	49 50 51
<u>(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.</u>	52 53 54 55 56
<u>(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.</u>	57 58 59 60
<u>(i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating.</u>	61 62
<u>(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.</u>	63 64 65 66 67
<u>(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</u>	68 69 70 71 72 73

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

(B) (1) No school district, community school established 79  
under Chapter 3314, of the Revised Code, STEM school established 80  
under Chapter 3326, of the Revised Code, or school building 81  
operated by a school district or school shall teach, instruct, 82  
train, or promote professional development in any divisive 83  
concepts, nor shall any school district, school, or building 84  
require a student to advocate for or against a specific topic or 85  
point of view to receive credit across every subject area for 86  
any coursework or for graduation credit. 87

(2) No state agency, school district, school building, or 88  
teacher shall apply for any federal grants or accept private 89  
funding for the purpose of developing a curriculum, purchasing 90  
or selecting a curriculum or course materials, or providing 91  
teacher training or professional development for a course 92  
promoting divisive concepts. No moneys shall be expended in 93  
support of teaching divisive concepts. 94

(3) No school teacher, administrator, or other school 95  
employee shall face any penalty or discrimination on account of 96  
the school teacher's, administrator's, or other school 97  
employee's refusal to support, believe, endorse, embrace, 98  
confess, act upon, or otherwise assent to divisive concepts. No 99  
school teacher, administrator, or other school employee shall be 100  
required to complete a curriculum including divisive concepts as 101  
a condition or prerequisite of employment. 102

(C) (1) If the superintendent of public instruction 103

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

of the concepts described in division (A) (1) of this section, 132  
that course shall not count towards the requirements for high 133  
school graduation specified in section 3313.603 of the Revised 134  
Code. 135

(2) (a) The parent, guardian, or custodian of any student 136  
who, by way of a violation of this section, is subjected to 137  
indoctrination of divisive concepts in order to receive a class 138  
grade or graduation credit, may bring a civil action against the 139  
school, school district, or school employee responsible for the 140  
violation. 141

(b) Notwithstanding Chapter 2744. of the Revised Code, a 142  
school, school district, or school employee is not immune from 143  
liability in damages in a civil action as provided under 144  
division (D) (2) (a) of this section. 145

(E) (1) The state board shall adopt rules to govern 146  
implementation of and monitor compliance with the provisions of 147  
this section. 148

(2) At no time shall the state board adopt any standards, 149  
model curricula, professional development resources, classroom 150  
resources, or assessments including divisive concepts as 151  
described in this section. 152

(3) The state board shall prepare an annual report 153  
regarding the adoption and enforcement of this section and 154  
submit the report to the general assembly in accordance with 155  
section 101.68 of the Revised Code. The report shall provide 156  
detailed information on any confirmed report submitted in 157  
accordance with division (C) (1) or (2) of this section and a 158  
copy of each complaint filed in accordance with division (D) (1) 159  
of this section. The state board shall submit the report on or 160

before the last day of June each year, beginning in 2022. 161

(F) Nothing in this section shall be construed to prohibit 162  
any of the following: 163

(1) Discussing or using supplemental instructional 164  
materials, as part of a larger course of academic instruction, 165  
to teach about divisive concepts in an objective manner and 166  
without endorsement. Such materials may include the following: 167

(a) The history of an ethnic group, as described in 168  
textbooks and instructional materials selected by each school 169  
district in accordance with section 3313.21 of the Revised Code; 170

(b) The impartial discussion of controversial aspects of 171  
history; 172

(c) The impartial instruction on the historical oppression 173  
of a particular group of people based on nationality, race, 174  
color, ethnicity, religion, sex, class, or geographic region; 175

(d) Historical documents permitted under statutory law, 176  
such as the national motto, the national anthem, the Ohio 177  
Constitution, the United States Constitution, the Revised Code, 178  
federal law, and United States Supreme Court decisions. 179

(2) In a course of instruction on public speaking, speech, 180  
formal debate, or substantially similar subject matter, any of 181  
the following: 182

(a) The assignment of research, topics of debate, public 183  
speaking prompts, or other tasks that are controversial or 184  
address a divisive concept, provided the teacher does not lead 185  
or participate in discussion on the merits of any divisive 186  
concept; 187

(b) The assignment of a grade or score for completion or 188



partial completion of research, debate, public speaking, or 189  
other task, provided the grade or score is calculated using 190  
ordinary academic standards of substance and relevance, 191  
including any legitimate pedagogical concerns and the teacher 192  
shall not penalize or reward a student based upon the content of 193  
the student's work; 194

(c) Unbiased and impartial questions posed by a teacher 195  
that are meant to promote discussion between students, provided 196  
the teacher does not participate in that discussion and does not 197  
comment upon any divisive content contained in the student's 198  
work; 199

(d) Respectful student-to-student discussion or debate, 200  
notwithstanding the fact it may address divisive concepts, 201  
provided the teacher does not participate except to enforce 202  
classroom decorum or school rules; 203

(e) Student research, practice, public speaking, other 204  
assigned tasks, and questions. 205

**Sec. 3314.03.** A copy of every contract entered into under 206  
this section shall be filed with the superintendent of public 207  
instruction. The department of education shall make available on 208  
its web site a copy of every approved, executed contract filed 209  
with the superintendent under this section. 210

(A) Each contract entered into between a sponsor and the 211  
governing authority of a community school shall specify the 212  
following: 213

(1) That the school shall be established as either of the 214  
following: 215

(a) A nonprofit corporation established under Chapter 216  
1702. of the Revised Code, if established prior to April 8, 217

2003;	218
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	219 220
(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;	221 222 223 224
(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;	225 226 227 228
(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;	229 230 231 232
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	233 234 235
(6) (a) Dismissal procedures;	236
(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.	237 238 239 240 241 242
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	243 244
(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

insurance, or otherwise provide for the potential liability of 274  
the school. 275

(c) The school will be nonsectarian in its programs, 276  
admission policies, employment practices, and all other 277  
operations, and will not be operated by a sectarian school or 278  
religious institution. 279

(d) The school will comply with sections 9.90, 9.91, 280  
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 281  
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 282  
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 283  
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 284  
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 285  
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 286  
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 287  
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 288  
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 289  
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 290  
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 291  
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 292  
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 293  
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 294  
4123., 4141., and 4167. of the Revised Code as if it were a 295  
school district and will comply with section 3301.0714 of the 296  
Revised Code in the manner specified in section 3314.17 of the 297  
Revised Code. 298

(e) The school shall comply with Chapter 102. and section 299  
2921.42 of the Revised Code. 300

(f) The school will comply with sections 3313.61, 301  
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 302  
Revised Code, except that for students who enter ninth grade for 303

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 XXXIII 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

(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



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

policies will be available for public inspection; 450

(28) That the school's attendance and participation 451  
records shall be made available to the department of education, 452  
auditor of state, and school's sponsor to the extent permitted 453  
under and in accordance with the "Family Educational Rights and 454  
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 455  
and any regulations promulgated under that act, and section 456  
3319.321 of the Revised Code; 457

(29) If a school operates using the blended learning 458  
model, as defined in section 3301.079 of the Revised Code, all 459  
of the following information: 460

(a) An indication of what blended learning model or models 461  
will be used; 462

(b) A description of how student instructional needs will 463  
be determined and documented; 464

(c) The method to be used for determining competency, 465  
granting credit, and promoting students to a higher grade level; 466

(d) The school's attendance requirements, including how 467  
the school will document participation in learning 468  
opportunities; 469

(e) A statement describing how student progress will be 470  
monitored; 471

(f) A statement describing how private student data will 472  
be protected; 473

(g) A description of the professional development 474  
activities that will be offered to teachers. 475

(30) A provision requiring that all moneys the school's 476

operator loans to the school, including facilities loans or cash 477  
flow assistance, must be accounted for, documented, and bear 478  
interest at a fair market rate; 479

(31) A provision requiring that, if the governing 480  
authority contracts with an attorney, accountant, or entity 481  
specializing in audits, the attorney, accountant, or entity 482  
shall be independent from the operator with which the school has 483  
contracted. 484

(32) A provision requiring the governing authority to 485  
adopt an enrollment and attendance policy that requires a 486  
student's parent to notify the community school in which the 487  
student is enrolled when there is a change in the location of 488  
the parent's or student's primary residence. 489

(33) A provision requiring the governing authority to 490  
adopt a student residence and address verification policy for 491  
students enrolling in or attending the school. 492

(B) The community school shall also submit to the sponsor 493  
a comprehensive plan for the school. The plan shall specify the 494  
following: 495

(1) The process by which the governing authority of the 496  
school will be selected in the future; 497

(2) The management and administration of the school; 498

(3) If the community school is a currently existing public 499  
school or educational service center building, alternative 500  
arrangements for current public school students who choose not 501  
to attend the converted school and for teachers who choose not 502  
to teach in the school or building after conversion; 503

(4) The instructional program and educational philosophy 504

of the school; 505

(5) Internal financial controls. 506

When submitting the plan under this division, the school 507  
shall also submit copies of all policies and procedures 508  
regarding internal financial controls adopted by the governing 509  
authority of the school. 510

(C) A contract entered into under section 3314.02 of the 511  
Revised Code between a sponsor and the governing authority of a 512  
community school may provide for the community school governing 513  
authority to make payments to the sponsor, which is hereby 514  
authorized to receive such payments as set forth in the contract 515  
between the governing authority and the sponsor. The total 516  
amount of such payments for monitoring, oversight, and technical 517  
assistance of the school shall not exceed three per cent of the 518  
total amount of payments for operating expenses that the school 519  
receives from the state. 520

(D) The contract shall specify the duties of the sponsor 521  
which shall be in accordance with the written agreement entered 522  
into with the department of education under division (B) of 523  
section 3314.015 of the Revised Code and shall include the 524  
following: 525

(1) Monitor the community school's compliance with all 526  
laws applicable to the school and with the terms of the 527  
contract; 528

(2) Monitor and evaluate the academic and fiscal 529  
performance and the organization and operation of the community 530  
school on at least an annual basis; 531

(3) Report on an annual basis the results of the 532  
evaluation conducted under division (D) (2) of this section to 533

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. 594

(B) (1) No state institution of higher education shall 595  
offer teaching, instruction, or training on divisive concepts to 596  
any professors, employees, contractors, staff members, or any 597  
other individual or group or require them to adopt or believe in 598  
divisive concepts. 599

(2) No state institution of higher education shall accept 600  
federal grants or private funding for the purpose of developing 601  
curriculum, purchasing or selecting course materials or 602  
curriculum, or providing training or professional development 603  
for a course that promotes divisive concepts. No moneys shall be 604  
expended by any state institution of higher education in support 605  
or promotion of any divisive concept. 606

(3) No employee of a state institution of higher education 607  
shall face any penalty or discrimination on account of the 608  
employee's refusal to support, believe, endorse, embrace, 609  
confess, act upon, or otherwise assent to divisive concepts. No 610  
employee shall be required to complete a curriculum including 611  
divisive concepts as a condition or prerequisite of employment. 612

(4) No state institution of higher education shall include 613  
as part of new student or freshman orientation teaching, 614  
instruction, or training on divisive concepts. 615

(C) (1) If the chancellor of higher education determines 616  
through a confirmed report from a student, parent, professor, or 617  
community member that any state institution of higher education 618  
violates the prohibitions prescribed in division (B) of this 619  
section, the department of higher education shall withhold state 620  
share of instruction funds from the institution in the following 621  
amounts: 622

(a) For a first offense, twenty-five per cent; 623

(b) For a second offense, fifty per cent; 624

(c) For a third offense, one hundred per cent. 625

The withholding of funds described in division (C) (1) of 626  
this section shall remain in effect until such time as the 627  
department confirms the state institution is no longer in 628  
violation of division (B) of this section. 629

(2) (a) The board of trustees of each state institution of 630  
higher education shall update the institution's policy on 631  
faculty tenure prescribed by section 3345.45 of the Revised Code 632  
to reflect the principles contained in this section. 633

(b) The board of trustees, the president of the state 634  
institution of higher education, or other entity or 635  
administrative official primarily responsible for making 636  
employment and tenure decisions shall consider as a negative 637  
factor in employment and tenure decisions any confirmed reports 638  
made by a student, parent, colleague, or community member that a 639  
faculty member or other employee knowingly or recklessly 640  
violates the provisions prescribed by division (B) of this 641  
section. 642

(D) The board of trustees of each state institution of 643  
higher education shall, in addition to the responsibilities 644  
prescribed by division (C) (2) of this section, do the following: 645

(1) Review the institution's respective grant and 646  
scholarship programs to identify which programs may require 647  
grant or scholarship recipients, as a condition of receiving a 648  
grant or scholarship from the institution, to certify that the 649  
recipient shall not use grant or scholarship funds to promote 650  
divisive concepts; 651



(2) Review all training programs for employees relating to 652  
diversity or inclusion to ensure the programs comply with the 653  
requirements of division (B) of this section. If a training 654  
program provided by a contracted entity relates to diversity or 655  
inclusion that teaches, advocates, or promotes divisive concepts 656  
and violates the applicable contract, the board of trustees 657  
shall evaluate whether to pursue debarment of the contractor, 658  
consistent with applicable law and regulation. 659

(3) Ensure that divisive concepts are not taught, 660  
advocated, acted upon, or promoted by the state institution, the 661  
institution's employees during work hours, or any contractor 662  
hired by the institution to provide training, workshops, forums, 663  
or similar programming to the institution's employees; 664

(4) Encourage employees not to judge each other by their 665  
nationality, race, color, ethnicity, sex, or any other 666  
characteristic protected by federal or state law; 667

(5) Issue to all employees the policy developed under 668  
division (E)(1) of this section, annually review and assess the 669  
institution's compliance with the policy, and submit a report to 670  
the department of higher education regarding the institution's 671  
compliance. At least one employee of the institution shall be 672  
responsible for ensuring compliance with the requirements of the 673  
policy. 674

(E) The chancellor of higher education shall do all of the 675  
following: 676

(1) Develop a policy that complies with the requirements 677  
of this section and incorporates the requirements of diversity 678  
and inclusion efforts and encourages employees of state 679  
institutions of higher education not to judge each other by 680

their nationality, race, color, ethnicity, religion, sex, or any 681  
other characteristic protected by federal or state law. To the 682  
extent that it is appropriate for use by state institutions of 683  
higher education, the policy shall be substantially similar to 684  
the policy developed by the department of administrative 685  
services pursuant to division (E) (1) of section 4113.35 of the 686  
Revised Code. 687

(2) Establish rules in accordance with Chapter 119. of the 688  
Revised Code for the implementation and enforcement of the 689  
policy; 690

(3) Prepare a biennial report regarding adoption and 691  
enforcement of this section and submit the report to the general 692  
assembly in accordance with section 101.68 of the Revised Code. 693  
The report shall provide detailed information on any confirmed 694  
report submitted in accordance with division (C) of this 695  
section. The chancellor shall submit the report not later than 696  
the last day of November of each even numbered year, beginning 697  
in 2022. 698

(F) Nothing in this section shall be construed to prohibit 699  
any of the following: 700

(1) Discussing or using supplemental instructional 701  
materials, as part of a larger course of academic instruction, 702  
to teach about divisive concepts in an objective manner and 703  
without endorsement. Such materials may include the following: 704

(a) The history of an ethnic group, as described in 705  
textbooks and instructional materials selected in accordance 706  
with the textbook selection policy adopted in accordance with 707  
section 3345.025 of the Revised Code; 708

(b) The impartial discussion of controversial aspects of 709

history; 710

(c) The impartial instruction on the historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region; 711  
712  
713

(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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717

(2) In a course of instruction on public speaking, speech, formal debate, or substantially similar subject matter, any of the following: 718  
719  
720

(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  
722  
723  
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725

(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  
727  
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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  
734  
735  
736  
737

(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. 768

(3) No state agency or political subdivision shall accept 769  
federal grants or private funding for the purpose of developing 770  
curriculum, purchasing or selecting course materials or 771  
curriculum, or providing training or professional development 772  
for a course that promotes divisive concepts. No moneys shall be 773  
expended by any state agency or political subdivision in support 774  
or promotion of any divisive concept. 775

(C) The administrative head of each state agency shall do 776  
the following: 777

(1) Review the agency's respective grant programs to 778  
identify which programs may require grant recipients, as a 779  
condition of receiving a grant from the agency, to certify that 780  
the recipient shall not use grant funds to promote divisive 781  
concepts. 782

(2) Review all training programs for agency employees 783  
relating to diversity or inclusion to ensure the programs comply 784  
with the requirements of division (B) of this section. If a 785  
training program provided by a contracted entity relates to 786  
diversity or inclusion that teaches, advocates, or promotes 787  
divisive concepts and violates the applicable contract, the 788  
agency head shall evaluate whether to pursue debarment of the 789  
contractor, consistent with applicable law and regulation. 790

(3) Ensure that divisive concepts are not taught, 791  
advocated, acted upon, or promoted by the agency, the agency's 792  
employees during work hours, or any contractor hired by the 793  
agency to provide training, workshops, forums, or similar 794  
programming to the agency's employees; 795

(4) Encourage agency employees not to judge each other by 796

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

training, workshops, forums, or similar programming to the 826  
political subdivision's employees; 827

(4) Encourage political subdivision employees not to judge 828  
each other by their nationality, race, color, ethnicity, 829  
religion, sex, or any other characteristic protected by federal 830  
or state law; 831

(5) Issue to all political subdivision employees the 832  
policy developed under division (E) of this section, annually 833  
review and assess the political subdivision's compliance with 834  
the policy, and submit a report to the department of 835  
administrative services regarding the political subdivision's 836  
compliance. At least one employee of the political subdivision 837  
shall be responsible for ensuring compliance with the 838  
requirements of the policy. 839

(E) (1) The department of administrative services shall 840  
develop a policy that complies with the requirements of this 841  
section and incorporates the requirements of diversity and 842  
inclusion efforts and encourages state employees and political 843  
subdivision employees not to judge each other by their 844  
nationality, race, color, ethnicity, religion, sex, or any other 845  
characteristic protected by federal or state law. 846

(2) The department shall establish rules in accordance 847  
with Chapter 119. of the Revised Code for the implementation and 848  
enforcement of the policy. 849

(3) The department shall prepare a biennial report 850  
regarding compliance with this section by state and political 851  
subdivision employees and submit the report to the general 852  
assembly in accordance with section 101.68 of the Revised Code. 853  
The department shall submit the report not later than the last 854

day of November of each even numbered year, beginning in 2022. 855

(F) Nothing in this section shall be construed to prohibit 856  
discussing or using supplemental instructional materials, as 857  
part of a larger course of academic instruction or training, to 858  
teach divisive concepts in an objective manner and without 859  
endorsement. Such materials may include the following: 860

(1) The history of an ethnic group, as described in 861  
textbooks and instructional materials adopted in accordance with 862  
statutory law concerning textbooks and instructional materials; 863

(2) The impartial discussion of controversial aspects of 864  
history; 865

(3) The impartial instruction on the historical oppression 866  
of a particular group of people based on nationality, race, 867  
color, ethnicity, religion, or sex; 868

(4) Historical documents permitted under statutory law, 869  
such as the national motto, the national anthem, the Ohio 870  
Constitution, the United States Constitution, the Revised Code, 871  
federal law, and United States Supreme Court decisions. 872

**Section 2.** That existing sections 3313.21, 3314.03, and 873  
3326.11 of the Revised Code are hereby repealed. 874

**Section 3.** This act shall be known as "The Promoting 875  
Education Not Indoctrination Act." 876

**Section 4.** The General Assembly, applying the principle 877  
stated in division (B) of section 1.52 of the Revised Code that 878  
amendments are to be harmonized if reasonably capable of 879  
simultaneous operation, finds that the following sections, 880  
presented in this act as composites of the sections as amended 881  
by the acts indicated, are the resulting versions of the 882



sections in effect prior to the effective date of the sections 883  
as presented in this act: 884

Section 3314.03 of the Revised Code as amended by H.B. 885  
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 886  
89, all of the 133rd General Assembly. 887

Section 3326.11 of the Revised Code as amended by H.B. 888  
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 889  
General Assembly. 890

**From:** Maggie Kohl  
**Sent:** Monday, June 14, 2021 8:24 PM  
**To:** Rep76  
**Subject:** Re: Introduction from Christopher Rufo

Hi Representative Grendell,

Thank you so much for your patience. Chris is traveling this week but wanted to make sure that you got what you needed to support the bill so asked Mike Gonzalez, a trusted colleague, to reach out to you to send written testimony on the bill's behalf. I hope this is helpful. If you have any questions or need additional information, please let me know!

Best,  
Maggie

On Fri, Jun 11, 2021 at 1:18 PM [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov) <[Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)> wrote:

Maggie,

I hope you have been well. My legislation, House Bill 327, is slated to begin committee hearings soon.

Would Chris be willing to testify on the legislation? If so, if he could send his written testimony to our email, I would appreciate it.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)

P: 614.644.5088

**From:** Maggie Kohl <[mjk@christopherrufo.com](mailto:mjk@christopherrufo.com)>  
**Sent:** Wednesday, May 12, 2021 6:40 PM

To: Rep76 <Rep76@ohiohouse.gov>

Subject: Introduction from Christopher Rufo

Hello Representative Grendell,

My name is Maggie Kohl and I work for Christopher Rufo, the investigative reporter who is leading the legal coalition to combat critical race theory and helped advise on President Trump's Executive Order 13950. Christopher asked me to reach out to you in response to recent media coverage on the possibility of anti-CRT legislation being introduced in Ohio. If this is true, we would love to assist in whatever way would be most helpful. Chris can assist with the drafting process, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost whatever efforts happen in Ohio.

If we can help in any way or if I can answer any questions you might have, please let me know! We would love to see something get off the ground in Ohio.

Best,

Maggie

**From:** Rep76  
**Sent:** Wednesday, June 16, 2021 1:19 PM  
**To:** 'Maggie Kohl'  
**Subject:** RE: Introduction from Christopher Rufo

Maggie,

Thank you for your email. I received Mike's email and would welcome his testimony in support.

Sincerely,



Diane V. Grendell  
State Representative  
Ohio House District 76

E: [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov)  
P: 614.644.5088

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**From:** Don Chaffins

**Sent:** Monday, February 22, 2021 4:41 PM

**To:** Rep76

**Subject:** Note from Don Chaffins to your Facebook Page State Rep Diane Grendell

**Follow Up Flag:** Follow up

**Flag Status:** Flagged

Your Name: Don Chaffins

Phone Number: 330-416-1411

Your Question: Hello Diane, I am one of your constituents who lives in Windham Ohio and there are at least 2 states that are working on legislation to ban Critical Race Theory trainings and I feel that we should join in with those other states and do the same. Here is a video I feel would be beneficial to you for reference, [https://youtu.be/B0dJOFHfX\\_s](https://youtu.be/B0dJOFHfX_s).

Another issue I feel is important to address is something Governor DeSantis is working on in Florida that addresses the silencing of people from social media. Poland has already enacted laws against big tech for this. We need an internet bill of rights.

Lastly I feel we should get on board with what one Missouri county is doing about the protection of people against the federal government if they try to infringe on our second amendment rights. Especially if it comes through executive orders and not by amending the constitution. In fact, as a state, we should pass legislation that ignores all of Joe Biden's executive orders but that may be a bit hard to pass.

If I can be of any more assistance, please feel free to contact me. I would be honored to help improve our state. My best wishes are with you as you continue to serve your constituents.

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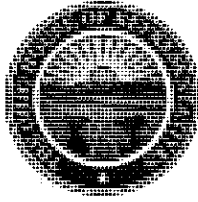
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Don Chaffins

**Committees:**

Civil Justice, Vice Chair  
State and Local Government  
Families, Aging, and Human  
Services  
STABLE Account Advisory Board  
Ohio Council of Interstate Adult  
Offender Supervision



77 South High St.  
Ohio House of Representatives  
13<sup>th</sup> Floor  
Columbus, OH 43215-6111  
Email: [rep76@ohiohouse.gov](mailto:rep76@ohiohouse.gov)  
Website: [house.state.oh.us](http://house.state.oh.us)

**Diane V. Grendell, State Representative**  
**Ohio's 76<sup>th</sup> House District**

May 17, 2021

Fellow Members,

Through my research regarding Critical Race Theory, I have found a publication from Hillsdale College in Michigan; it is an excerpt from a lecture delivered by Christopher Rufo. Christopher is the founder and director of Battlefront, a public policy research center.

I encourage you to read the attached publication, as it succinctly highlights the problems surrounding Critical Race Theory and its implementation.

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**BACKGROUND**

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.

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## Critical Race Theory: What It Is and How to Fight It

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

Imprimis (im-pri-mis), [Latin]: in the first place

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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.

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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.

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Prohibit Teaching of Divisive Concepts Based off Race or Sex  
Draft Cosponsor Request  
5.10.21

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 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 proposal seeks to ensure that our state education system <sup>and</sup> ~~by~~ state entities are <sup>ed</sup> ~~prohibiting~~ from ~~teaching~~ the following:

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G

- 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.
- 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~~ <sup>is</sup> as responsible for actions committed in the past by other members of the same race 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 at [Rep76@ohiohouse.gov](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is XXX

Engaging in any conduct or educational activity that promotes or teaches the concept that one race is inherently superior to another race or sex.

Engaging in any conduct or educational activity that promotes that an individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously

My proposed legislation prohibiting divisive teaching or training based on race, color, nationality, or sex seeks to ensure that our state education system and state entities are prohibited from the following:

- 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
- My bill **does not** prohibit the impartial discussion of history and historical documents

***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
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26. Rep. Tom Young
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29. Rep. Ron Ferguson
30. Rep. Daryl Kick
31. Rep. Bob Young
32. Rep. Tracy Richardson
33. Rep. Al Cutrona
34. Rep. Sarah Carruthers
35. Rep. Marilyn John

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Prohibit Teaching of Divisive Concepts Based off Race or Sex

Draft Cosponsor Request

5.10.21

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](mailto:Rep76@ohiohouse.gov).

The deadline to cosponsor this legislation is Friday, May 28<sup>th</sup> at noon.

1. What was the most challenging aspect of passing your respective bills?
2. What would you have done differently in the past?
3. What was the most impactful provision placed in your legislation?
4. What was the reception of the general public throughout the bill's committee process?
5. Which groups in your state assisted most with passage of the bill?

6. How was enforcement of the bill incorporated?

7. Have there been any school districts that indicated they will not abide by your bills?

8. What is your number 1 recommendation for Ohio's legislation as we begin this process?