

From: Dotson, Matthew [OH]
Sent: Wednesday, May 26, 2021 8:49 AM
To: Thomas, AJ
Subject: HB 322

Follow Up Flag: Follow up
Flag Status: Completed

Hi AJ -

Does Rep. Jones have any time next week for an in-person meeting with OEA President Scott DiMauro? Thinking a coffee, lunch, or drink somewhere downtown to touch base.

Thank you!

Matt
OEA

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From: Thomas, AJ
Sent: Wednesday, May 26, 2021 10:02 AM
To: Jach, Taylor; Hoynes, Rachel
Subject:

<https://www.wcpo.com/news/government/state-government/ohio-state-government-news/state-lawmakers-introduce-bills-banning-teaching-of-critical-race-theory-in-ohio-schools>

AJ THOMAS

Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov

From: Thomas, AJ
Sent: Tuesday, June 1, 2021 2:23 PM
To: Jach, Taylor
Subject: NYT article

All that for what is mentioned...

<https://www.nytimes.com/2021/06/01/us/politics/critical-race-theory.html>

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AJ.Thomas@ohiohouse.gov

From: Barto, Dillon

Sent: Thursday, April 15, 2021 11:16 PM

Subject: Omnibus Amendments: Removing Critical Race Theory from the Budget

Attachments: 134HB110-HC1893.pdf; 134HB110-HC1894.pdf

Members,

Rep. Wiggam has asked that I share the attached omnibus amendments for your consideration.

The first of these amendments is HC 1893. This amendment removes additional funding that is currently earmarked for improving health equity. It is important that we focus on equality instead of discrimination through equity. This amendment would save the state \$2 million.

The second amendment is HC 1894. This amendment removes the use of \$3 million for the use of critical race theory in our behavioral health fields and instead, reallocates this funding to Ohio families by funding community projects that focus on supporting families and assisting them in intervening and avoiding crisis.

Best Regards,
Dillon

Dillon Barto

Legislative Aide

Representative Scott Wiggam | House District 01

77 South High Street, 13th Floor

Columbus, OH 43215

Email: Dillon.Barto@Ohiohouse.gov

Office Email: Rep01@Ohiohouse.gov

Office: (614) 466-1474

_____ moved to amend as follows:

- 1 In line 68651, delete "\$6,522,054" and insert "\$4,522,054"
- 2 In line 68661, subtract \$2,000,000 from fiscal year 2022
- 3 In line 68711, subtract \$2,000,000 from fiscal year 2022
- 4 Delete lines 68836 through 68841

5 The motion was _____ agreed to.

6 SYNOPSIS

7 **Department of Health**

8 **Sections 291.10 and 291.20**

9 Decreases GRF appropriation item 440483, Infectious Disease
10 Prevention and Control, by \$2.0 million in FY 2022. Removes a
11 provision that requires up to \$2.0 million in FY 2022 in the
12 same line item to be used, in consultation with Ohio's state
13 agencies, boards, and commissions, for the purpose of addressing
14 social determinants of health and improving health equity for
15 all Ohioans.

_____ moved to amend as follows:

1 In line 71366, delete "\$4,000,000" and insert "\$5,500,000"

2 Delete lines 71373 through 71376

3 The motion was _____ agreed to.

4 SYNOPSIS

5 **Department of Mental Health and Addiction Services**

6 **Section 337.90**

7 Makes the following changes to earmarks from GRF
8 appropriation item 336504, Community Innovations: (1) increases
9 the earmark to provide funding for community projects across the
10 state that focus on support for families, assisting families in
11 avoiding crisis, and crisis intervention by \$1.5 million in each
12 fiscal year (from \$4.0 million per fiscal year to \$5.5 million
13 per fiscal year); and (2) removes the earmark of \$1.5 million in
14 each fiscal year to improve behavioral health outcomes for
15 racial and ethnic minorities.

From: Rep76

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

To: House_All

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

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

Fellow Representatives,

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

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

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

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

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

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

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

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76



From: Thomas, AJ
Sent: Wednesday, May 12, 2021 12:19 PM
To: John, Marilyn; Wing, Michael
CC: Jones, Don
Subject: CRT Bill
Attachments: l_134_1375-2.pdf

Michael & Rep. John, please see attached the bill we have drafted on critical race theory in K-12 schools. I've also pasted below the draft co-sponsor request I've drawn up. Thank you!

AJ

Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones
Date: May 10th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

I will soon be introducing legislation that will ban the teaching 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 MLK's "judge a man by the content of his character, not the color of his skin" 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 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 should 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 I 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.

The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

AJ THOMAS

Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

Reviewed As To Form By
Legislative Service Commission

I_134_1375-2

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

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

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

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


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

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

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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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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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 (B) (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

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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

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(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

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time, place, path, or pace of learning.	222
(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

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<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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

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- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex; 279
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- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex; 281
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- (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; 283
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- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex; 286
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- (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; 289
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- (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; 292
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- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States; 295
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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. 298
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- (C) 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 303
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practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;	335 336 337 338
(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;	339 340 341 342
(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;	343 344 345 346
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	347 348 349
(6) (a) Dismissal procedures;	350
(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.	351 352 353 354 355 356
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	357 358
(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	359 360 361 362 363

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117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365
(a) A detailed description of each facility used for instructional purposes;	366
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	367
(c) The annual mortgage principal and interest payments that are paid by the school;	368
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	369
(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.	370
(11) That the school will comply with the following requirements:	371
(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.	372
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	373
(c) The school will be nonsectarian in its programs,	374
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admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 391
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 394
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 413
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(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to 415
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receiving a high school diploma may be met by completing the 421
 curriculum adopted by the governing authority of the community 422
 school rather than the curriculum specified in Title XXXVIII of 423
 the Revised Code or any rules of the state board of education. 424
 Beginning with students who enter ninth grade for the first time 425
 on or after July 1, 2010, the requirement in sections 3313.61 426
 and 3313.611 of the Revised Code that a person must successfully 427
 complete the curriculum of a high school prior to receiving a 428
 high school diploma shall be met by completing the requirements 429
 prescribed in division (C) of section 3313.603 of the Revised 430
 Code, unless the person qualifies under division (D) or (F) of 431
 that section. Each school shall comply with the plan for 432
 awarding high school credit based on demonstration of subject 433
 area competency, and beginning with the 2017-2018 school year, 434
 with the updated plan that permits students enrolled in seventh 435
 and eighth grade to meet curriculum requirements based on 436
 subject area competency adopted by the state board of education 437
 under divisions (J) (1) and (2) of section 3313.603 of the 438
 Revised Code. Beginning with the 2018-2019 school year, the 439
 school shall comply with the framework for granting units of 440
 high school credit to students who demonstrate subject area 441
 competency through work-based learning experiences, internships, 442
 or cooperative education developed by the department under 443
 division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
 months after the end of each school year a report of its 446
 activities and progress in meeting the goals and standards of 447
 divisions (A) (3) and (4) of this section and its financial 448
 status to the sponsor and the parents of all students enrolled 449
 in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 452
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(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. 454
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(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. 461
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(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: 467
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(i) An internet- or computer-based community school; 470

(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. 471
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(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. 474
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(12) Arrangements for providing health and other benefits to employees; 478
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- (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. 480
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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 484
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 486
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 489
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 493
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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; 504
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside 507
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outside the district in which the school is located. That policy	509
shall comply with the admissions procedures specified in	510
sections 3314.06 and 3314.061 of the Revised Code and, at the	511
sole discretion of the authority, shall do one of the following:	512
(a) Prohibit the enrollment of students who reside outside	513
the district in which the school is located;	514
(b) Permit the enrollment of students who reside in	515
districts adjacent to the district in which the school is	516
located;	517
(c) Permit the enrollment of students who reside in any	518
other district in the state.	519
(20) A provision recognizing the authority of the	520
department of education to take over the sponsorship of the	521
school in accordance with the provisions of division (C) of	522
section 3314.015 of the Revised Code;	523
(21) A provision recognizing the sponsor's authority to	524
assume the operation of a school under the conditions specified	525
in division (B) of section 3314.073 of the Revised Code;	526
(22) A provision recognizing both of the following:	527
(a) The authority of public health and safety officials to	528
inspect the facilities of the school and to order the facilities	529
closed if those officials find that the facilities are not in	530
compliance with health and safety laws and regulations;	531
(b) The authority of the department of education as the	532
community school oversight body to suspend the operation of the	533
school under section 3314.072 of the Revised Code if the	534
department has evidence of conditions or violations of law at	535
the school that pose an imminent danger to the health and safety	536

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of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education,	566
auditor of state, and school's sponsor to the extent permitted	567
under and in accordance with the "Family Educational Rights and	568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	569
and any regulations promulgated under that act, and section	570
3319.321 of the Revised Code;	571
(29) If a school operates using the blended learning	572
model, as defined in section 3301.079 of the Revised Code, all	573
of the following information:	574
(a) An indication of what blended learning model or models	575
will be used;	576
(b) A description of how student instructional needs will	577
be determined and documented;	578
(c) The method to be used for determining competency,	579
granting credit, and promoting students to a higher grade level;	580
(d) The school's attendance requirements, including how	581
the school will document participation in learning	582
opportunities;	583
(e) A statement describing how student progress will be	584
monitored;	585
(f) A statement describing how private student data will	586
be protected;	587
(g) A description of the professional development	588
activities that will be offered to teachers.	589
(30) A provision requiring that all moneys the school's	590
operator loans to the school, including facilities loans or cash	591
flow assistance, must be accounted for, documented, and bear	592
interest at a fair market rate;	593

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(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	594 595 596 597 598
(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.	599 600 601 602 603
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	604 605 606
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	607 608 609
(1) The process by which the governing authority of the school will be selected in the future;	610 611
(2) The management and administration of the school;	612
(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;	613 614 615 616 617
(4) The instructional program and educational philosophy of the school;	618 619
(5) Internal financial controls.	620
When submitting the plan under this division, the school	621

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
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(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Rep76

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

To: House_All

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

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

Fellow Representatives,

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.

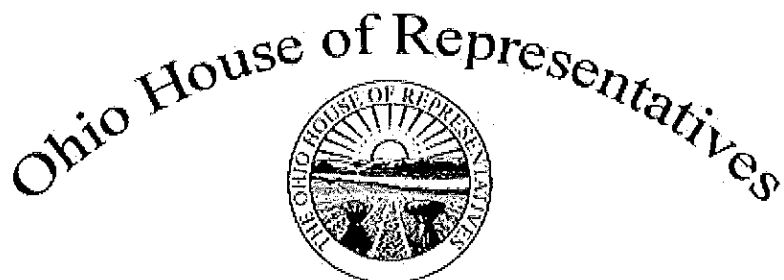
The deadline to cosponsor this legislation is **Friday, May 28th at noon**.

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 19th at 9am in the Majority Conference Room on the 15th floor.**

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

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

Thank you!
Representative Sarah Fowler Arthur

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

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

<https://youtu.be/xuSMvIVtd0A>



Dr. Jenny Shafer Kilgore
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 201-2306

Kirsten.Hill@education.ohio.gov
 sboe.ohio.gov



From: Thomas, AJ
Sent: Thursday, May 13, 2021 1:16 PM
To: Bird, Adam; Headlee, Adam
CC: Jones, Don
Subject: FW: CRT Bill
Attachments: l_134_1375-2.pdf

Adam & Rep. Bird, please see attached the bill we have drafted on critical race theory in K-12 schools. I've also pasted below the draft co-sponsor request I've drawn up. Thank you!

AJ

Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones
Date: May 10th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

I will soon be introducing legislation that will ban the teaching 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 MLK's "judge a man by the content of his character, not the color of his skin" 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 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 should 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 I 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.

The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

AJ THOMAS

Legislative Aide

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Reviewed As To Form By
Legislative Service Commission

I_134_1375-2

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

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

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

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

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

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

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 documents within that context. 47
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(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium. 49
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(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section. 54
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 61
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The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 66
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(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in 74
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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

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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 (B) (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

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(a) In the case of the diagnostic assessments for grades one or two in writing or mathematics or for grade three in writing, a school district shall not be required to administer any such assessment, but may do so at the discretion of the district board; 164
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(b) In the case of any diagnostic assessment that is not for the grade levels and subject areas specified in division (3) (a) of this section, each school district shall administer the assessment in the manner prescribed by section 3301.0715 of the Revised Code. 169
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(E) The state board shall not adopt a diagnostic or achievement assessment for any grade level or subject area other than those specified in this section. 174
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(F) Whenever the state board or the department consults with persons for the purpose of drafting or reviewing any standards, diagnostic assessments, achievement assessments, or model curriculum required under this section, the state board or the department shall first consult with parents of students in kindergarten through twelfth grade and with active Ohio classroom teachers, other school personnel, and administrators with expertise in the appropriate subject area. Whenever practicable, the state board and department shall consult with teachers recognized as outstanding in their fields. 177
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If the department contracts with more than one outside entity for the development of the achievement assessments required by this section, the department shall ensure the interchangeability of those assessments. 187
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(G) Whenever the state board adopts standards or model curricula under this section, the department also shall provide 191
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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

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time, place, path, or pace of learning.	222
(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

<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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

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- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex; 279
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- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex; 281
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- (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; 283
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- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex; 286
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- (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; 289
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- (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; 292
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- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States; 295
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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. 298
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- (C) 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 303
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<u>practices that serve to inculcate the concepts described in</u>	307
<u>divisions (B) (1) to (11) of this section.</u>	308
<u>(D) If a student completes a course that includes any of</u>	309
<u>the concepts described in divisions (B) (1) to (11) of this</u>	310
<u>section, that course shall not count towards the requirements</u>	311
<u>for high school graduation specified in section 3313.603 of the</u>	312
<u>Revised Code.</u>	313
<u>Sec. 3313.6029. No teacher shall be required by a policy</u>	314
<u>of any state agency, school district, or school administration</u>	315
<u>to affirm a belief in the systemic nature of racism, or like</u>	316
<u>ideas, or in the multiplicity or fluidity of gender identities,</u>	317
<u>or like ideas, against the teacher's sincerely held religious or</u>	318
<u>philosophical convictions.</u>	319
<u>Sec. 3314.03. A copy of every contract entered into under</u>	320
<u>this section shall be filed with the superintendent of public</u>	321
<u>instruction. The department of education shall make available on</u>	322
<u>its web site a copy of every approved, executed contract filed</u>	323
<u>with the superintendent under this section.</u>	324
<u>(A) Each contract entered into between a sponsor and the</u>	325
<u>governing authority of a community school shall specify the</u>	326
<u>following:</u>	327
<u>(1) That the school shall be established as either of the</u>	328
<u>following:</u>	329
<u>(a) A nonprofit corporation established under Chapter</u>	330
<u>1702. of the Revised Code, if established prior to April 8,</u>	331
<u>2003;</u>	332
<u>(b) A public benefit corporation established under Chapter</u>	333
<u>1702. of the Revised Code, if established after April 8, 2003.</u>	334

- (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; 335
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 339
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 343
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 347
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- (6) (a) Dismissal procedures; 350
- (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. 351
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 357
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- (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 359
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117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365
(a) A detailed description of each facility used for instructional purposes;	366
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	367
(c) The annual mortgage principal and interest payments that are paid by the school;	368
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	369
(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.	370
(11) That the school will comply with the following requirements:	371
(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.	372
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	373
(c) The school will be nonsectarian in its programs,	374
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admission policies, employment practices, and all other 391
 operations, and will not be operated by a sectarian school or 392
 religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
 3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
 and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
 4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
 a school district and will comply with section 3301.0714 of the 410
 Revised Code in the manner specified in section 3314.17 of the 411
 Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
 2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
 Revised Code, except that for students who enter ninth grade for 417
 the first time before July 1, 2010, the requirement in sections 418
 3313.61 and 3313.611 of the Revised Code that a person must 419
 successfully complete the curriculum in any high school prior to 420

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receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXVIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

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- based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 452
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- (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. 454
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- (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. 461
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- (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: 467
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- (i) An internet- or computer-based community school; 470
- (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. 471
472
473
- (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. 474
475
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477
- (12) Arrangements for providing health and other benefits to employees; 478
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- (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. 480
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483
- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 484
485
- (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. 486
487
488
- (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; 489
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492
- (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; 493
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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; 504
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside 507
508

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outside the district in which the school is located. That policy	509
shall comply with the admissions procedures specified in	510
sections 3314.06 and 3314.061 of the Revised Code and, at the	511
sole discretion of the authority, shall do one of the following:	512
(a) Prohibit the enrollment of students who reside outside	513
the district in which the school is located;	514
(b) Permit the enrollment of students who reside in	515
districts adjacent to the district in which the school is	516
located;	517
(c) Permit the enrollment of students who reside in any	518
other district in the state.	519
(20) A provision recognizing the authority of the	520
department of education to take over the sponsorship of the	521
school in accordance with the provisions of division (C) of	522
section 3314.015 of the Revised Code;	523
(21) A provision recognizing the sponsor's authority to	524
assume the operation of a school under the conditions specified	525
in division (B) of section 3314.073 of the Revised Code;	526
(22) A provision recognizing both of the following:	527
(a) The authority of public health and safety officials to	528
inspect the facilities of the school and to order the facilities	529
closed if those officials find that the facilities are not in	530
compliance with health and safety laws and regulations;	531
(b) The authority of the department of education as the	532
community school oversight body to suspend the operation of the	533
school under section 3314.072 of the Revised Code if the	534
department has evidence of conditions or violations of law at	535
the school that pose an imminent danger to the health and safety	536

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- of the school's students and employees and the sponsor refuses
 to take such action. 537
 538
- (23) A description of the learning opportunities that will
 be offered to students including both classroom-based and non- 539
 classroom-based learning opportunities that is in compliance 540
 with criteria for student participation established by the 541
 department under division (H) (2) of section 3314.08 of the 542
 Revised Code; 543
 544
- (24) The school will comply with sections 3302.04 and 545
 3302.041 of the Revised Code, except that any action required to 546
 be taken by a school district pursuant to those sections shall 547
 be taken by the sponsor of the school. However, the sponsor 548
 shall not be required to take any action described in division 549
 (F) of section 3302.04 of the Revised Code. 550
- (25) Beginning in the 2006-2007 school year, the school 551
 will open for operation not later than the thirtieth day of 552
 September each school year, unless the mission of the school as 553
 specified under division (A) (2) of this section is solely to 554
 serve dropouts. In its initial year of operation, if the school 555
 fails to open by the thirtieth day of September, or within one 556
 year after the adoption of the contract pursuant to division (D) 557
 of section 3314.02 of the Revised Code if the mission of the 558
 school is solely to serve dropouts, the contract shall be void. 559
- (26) Whether the school's governing authority is planning 560
 to seek designation for the school as a STEM school equivalent 561
 under section 3326.032 of the Revised Code; 562
- (27) That the school's attendance and participation 563
 policies will be available for public inspection; 564
- (28) That the school's attendance and participation 565

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records shall be made available to the department of education,	566
auditor of state, and school's sponsor to the extent permitted	567
under and in accordance with the "Family Educational Rights and	568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	569
and any regulations promulgated under that act, and section	570
3319.321 of the Revised Code;	571
(29) If a school operates using the blended learning	572
model, as defined in section 3301.079 of the Revised Code, all	573
of the following information:	574
(a) An indication of what blended learning model or models	575
will be used;	576
(b) A description of how student instructional needs will	577
be determined and documented;	578
(c) The method to be used for determining competency,	579
granting credit, and promoting students to a higher grade level;	580
(d) The school's attendance requirements, including how	581
the school will document participation in learning	582
opportunities;	583
(e) A statement describing how student progress will be	584
monitored;	585
(f) A statement describing how private student data will	586
be protected;	587
(g) A description of the professional development	588
activities that will be offered to teachers.	589
(30) A provision requiring that all moneys the school's	590
operator loans to the school, including facilities loans or cash	591
flow assistance, must be accounted for, documented, and bear	592
interest at a fair market rate;	593

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(31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted.	594 595 596 597 598
(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.	599 600 601 602 603
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	604 605 606
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	607 608 609
(1) The process by which the governing authority of the school will be selected in the future;	610 611
(2) The management and administration of the school;	612
(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;	613 614 615 616 617
(4) The instructional program and educational philosophy of the school;	618 619
(5) Internal financial controls.	620
When submitting the plan under this division, the school	621

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shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

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in complying with laws applicable to the school and terms of the contract;	651 652
(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor;	653 654 655 656 657 658 659
(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year.	660 661 662
(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code.	663 664 665 666 667 668 669 670 671 672 673
(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the	674 675 676 677 678 679 680

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operations of the school have been suspended pursuant to section	681
3314.072 of the Revised Code.	682
Sec. 3326.11. Each science, technology, engineering, and	683
mathematics school established under this chapter and its	684
governing body shall comply with sections 9.90, 9.91, 109.65,	685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43,	686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15,	687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48,	688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608,	689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020,	690
3313.6021, 3313.6024, 3313.6025, <u>3313.6027, 3313.6028,</u> 3313.61,	691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114,	692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662,	693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67,	694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716,	695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801,	696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89,	697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32,	698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46,	699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13,	700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191,	701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and	702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742.,	703
4112., 4123., 4141., and 4167. of the Revised Code as if it were	704
a school district.	705
Section 2. That existing sections 3301.079, 3314.03, and	706
3326.11 of the Revised Code are hereby repealed.	707
Section 3. The General Assembly, applying the principle	708
stated in division (B) of section 1.52 of the Revised Code that	709
amendments are to be harmonized if reasonably capable of	710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721



From: Thomas, AJ
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

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

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

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

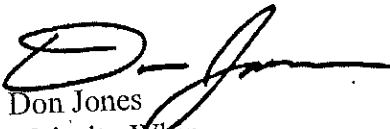
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

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

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

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

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66

From: Rep76

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

To: House_All

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives
From: Representative Diane V. Grendell
Date: May 10, 2021
RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

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

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

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

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

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

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

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

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

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

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

Good morning,

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

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

Woke Racism in school: Brainwashing the children

May 4, 2021

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

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

Speakers

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

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

Outline

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

What is Critical Race Theory?

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

What is Critical Race Theory?

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



What is the 1619 Project?

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

What is the 1619 Project?

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

IMPORTANT to learn more about

American Mind

From the Editors

Salvos

Memos

Features

Podcast

Media



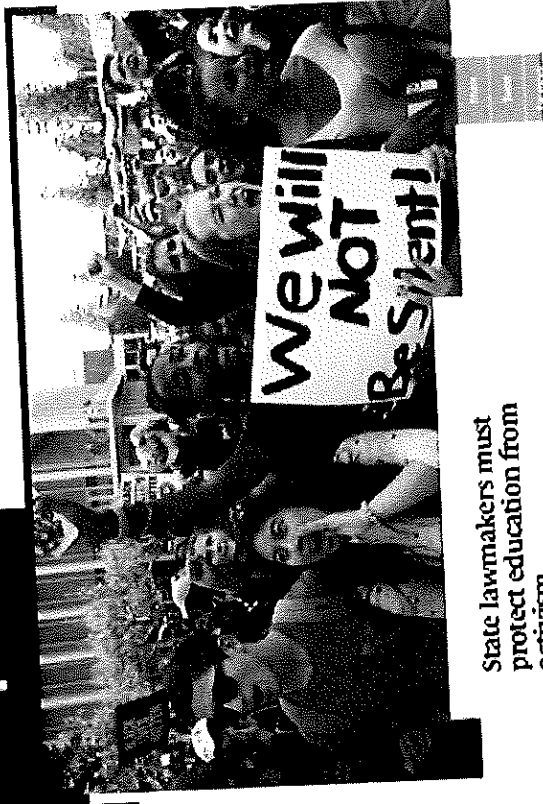
What is Action Civics?

“Action Civics” Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

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



State lawmakers must protect education from activism.

CRT in practice

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

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

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

CRT in practice

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

CRT in practice

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

CRT in practice

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

Joak 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, Joak aid.

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

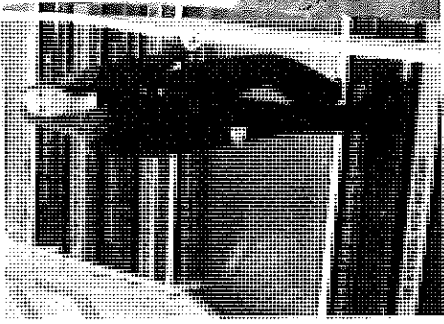
Kimberly S. Kimo Akron Beacon Journal
Published 10:41 a.m. (18 Apr 28, 2021)

More Content

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

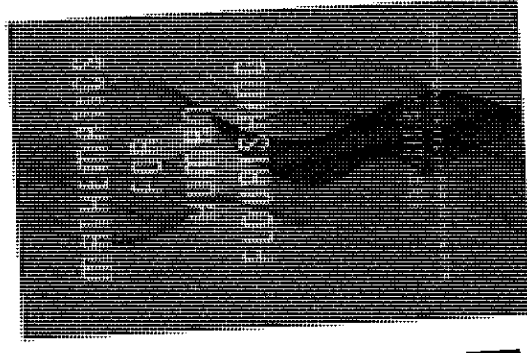


As executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to instill that same confidence in both teachers and students — with the goal of democratizing the

CRT in practice

• Book referenced by Kim Yoak in the Akron Beacon Journal article is “Mathematics for Human Flourishing” by Francis Su.

• Review of the book, “Please read this beautiful, compelling, galvanizing book if you care about mathematics, social justice, or humanity, which I hope is everyone.”—Eugenia Cheng, author of *The Art of Logic in an Illogical World*



CRT in practice

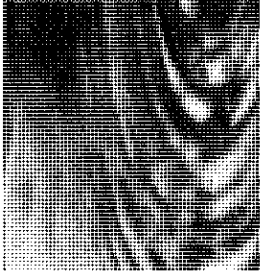
- Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

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

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

<https://www.signupgenius.com/go/40699494D4E28A5558-bethel000>



Highlights
are speaker's.

Invitation was
received
to attend
this event.

Conference Sessions

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

Timeline at Ohio Board of Education (OBE)

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

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

July 14, 2021 Kohler Racist Equity Resolution approved.

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

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	Abstain	
Elected	Antoinette Miranda	Jenny Kilgore	Elected
Elected	Nick Owens	1	
Appointed	Erik Poklar		
Appointed	Mike Toal		
Appointed	Reggie Wilkinson		
	12		

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

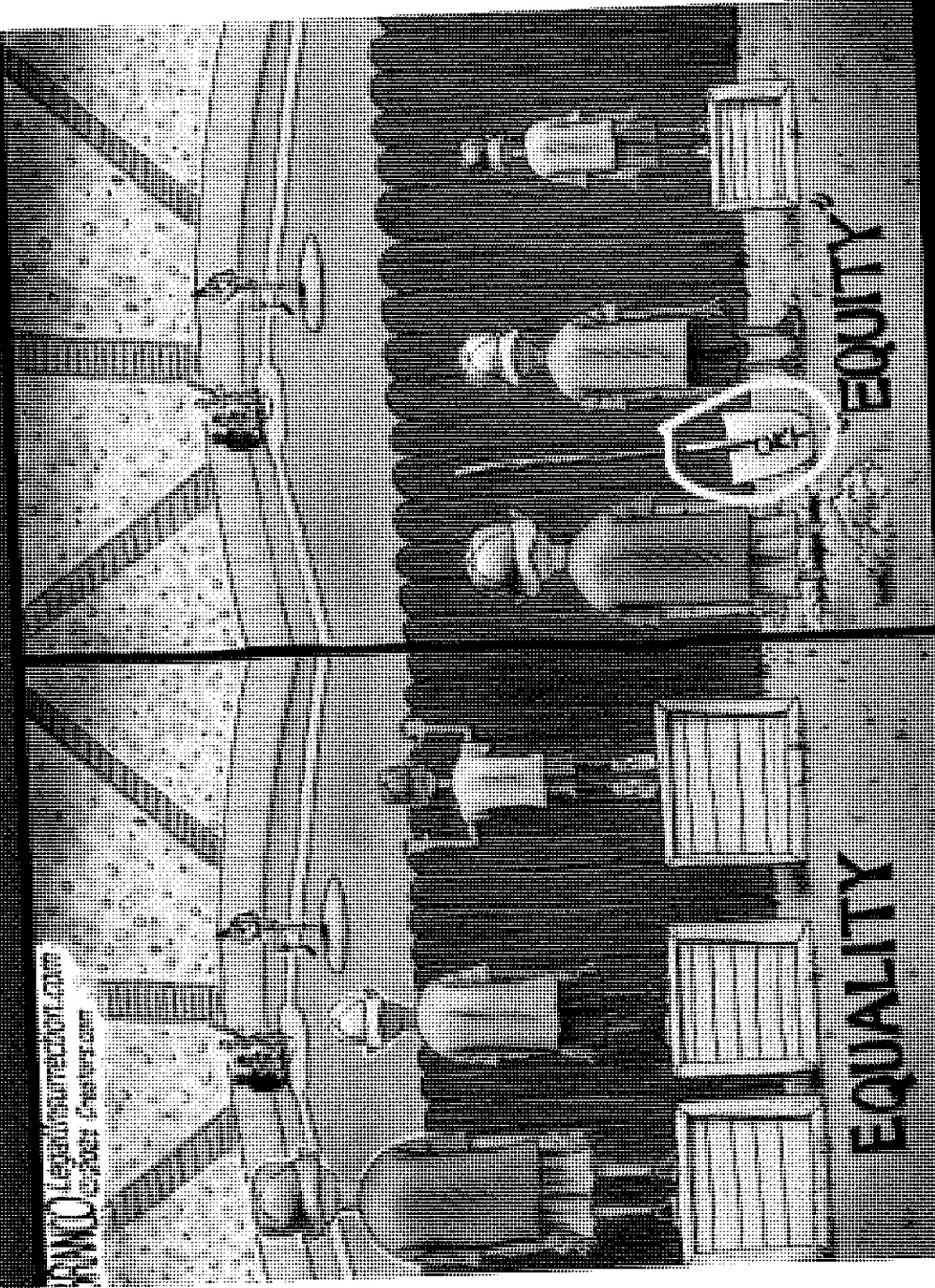
What is in Kohler's Racist Equity Resolution?

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

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

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

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

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

How are OBE members promoting?

- **Kohler & DeMaria at Cleveland City Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)
- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)
- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

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

How is ODE implementing?

• **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfhYUfCcTbp3NoDmxKZUAN7xMIVuhqIINBIZKz-lh7yPPqTPFqYzmd5NgKtEdpVugB6GoZwPWR/>

This was posted on the ODE website until taken down in [pubhtml](#) 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_g89FFA

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

How are local school districts implementing?

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

Others assisting with implementing CRT?

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

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

Teacher Pipeline

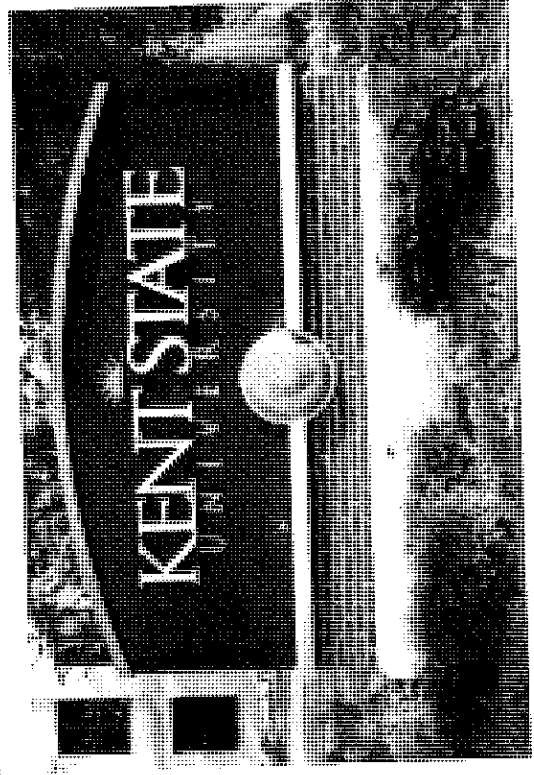
THE COLLEGE FIX

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 8:56 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

Copyright © 2019

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

LIVE 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 26, 2021
Publications: 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/memor/
action-civics-replaces-citizenship-with-partisanship/](https://americanmind.org/memor-
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**



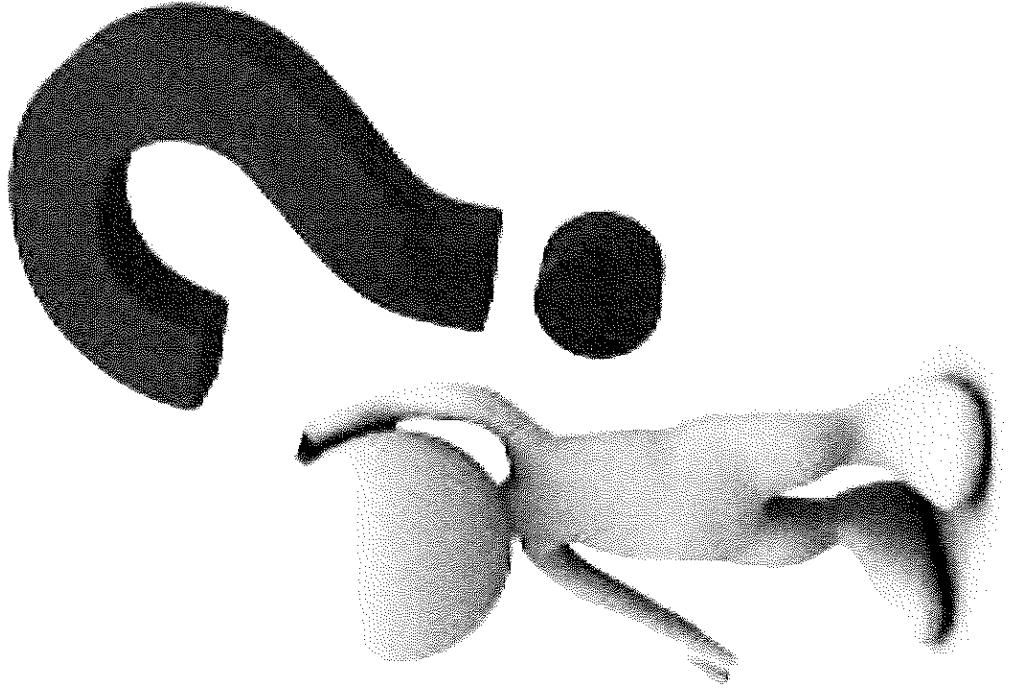
Speaker

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

withlovefrommini@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)



From: Thomas, AJ
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating

the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

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

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

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


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


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

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

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

Thank you for your consideration,


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.

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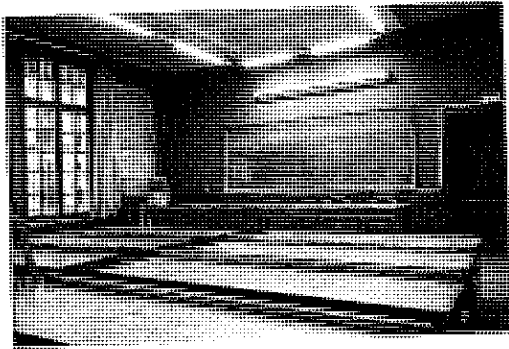
From: Bird, Adam

Sent: Wednesday, May 19, 2021 3:25 PM

To: Thomas, AJ; Headlee, Adam; Jones, Don

Subject: AJ: You might check out this resource to see if there are any issues that need to be added

<https://sharylattkisson.com/2021/05/states-move-to-ban-critical-race-theory-in-schools/>



States move to ban Critical Race Theory in schools | Sharyl Attkisson

sharylattkisson.com

From: Rep95
Sent: Thursday, May 20, 2021 9:18 AM
To: Jones, Don
Subject: FW: Critical Race Theory (CRT) Bill Sponsor Request...
Attachments: Heritage Foundation - Critical Race Theory.pdf; l_134_1448-1.pdf

They finally do have a bill....

From: jstover1@aol.com <jstover1@aol.com>
Sent: Wednesday, May 19, 2021 10:30 PM
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Subject: Critical Race Theory (CRT) Bill Sponsor Request...

Republican House Members:

If you are not currently a sponsor, Ohio Value Voters is respectfully requesting your sponsorship of a Critical Race Theory (CRT) bill (attachment) which is jointly sponsored by Rep. Diane Grendell and Rep. Sarah Fowler Arthur. This bill will prohibit the racist indoctrination of students in Ohio classrooms.

In Ohio, the following was written by a Mad River school district teacher:

"I am ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

Provided are two documents which explain the issues of Critical Race Theory:

Peter Kirsanow ==> <https://conta.cc/3uY8JFS>

Heritage Foundation (attached)

Parents across Ohio have contacted our organization expressing their concerns with CRT in their schools.

Thank you.

John Stover, President
Ohio Value Voters

Critical Race Theory, the New Intolerance, and Its Grip on America

Jonathan Butcher and Mike Gonzalez

KEY TAKEAWAYS

Critical Race Theory makes race the prism through which its proponents analyze all aspects of American life.

CRT underpins identity politics, which reimagines the U.S. as a nation riven by groups, each with specific claims on victimization.

CRT's intolerance can be found in schools, the workplace, and the entertainment sector, "normalizing" belief in systemic racism for the average American.

As its name should make abundantly clear, Critical Race Theory (CRT) is the child of Critical Theory (CT), or, to be more precise, its grandchild. Critical Theory is the immediate forebearer of Critical *Legal* Theory (CLT), and CLT begat CRT. As we discuss in this *Backgrounder*, however, there are strong thematic components linking CT, CLT, and CRT. Among these are:

- The Marxist analysis of society made up of categories of oppressors and oppressed;
- An unhealthy dollop of Nietzschean relativism, which means that language does not accord to an objective reality, but is the mere instrument of power dynamics;

This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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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*.¹ Angela P. Harris—also a major early figure of CRT—agrees, though she attributes co-parentage to a different source. She said:

For me, Critical Race Theory (CRT) began in July of 1989, at the First Annual Workshop of Critical Race Theory at St. Benedict's Center, Madison, Wisconsin. CRT looked like a promise: a theory that would link the methods of Critical Legal Studies [CLS] with the political commitments of “traditional civil rights scholarship” in a way that would revitalize scholarship on race and correct the deconstructive excesses of CLS.²

This strong political commitment is at the core of CRT. Americans should defend civil rights, and we should actively work to eliminate racism in the U.S. and anywhere it exists—but as we document in this *Backgrounders*, these noble aims are *not* the stated intentions of CRT’s founders. Harvard academic Derrick A. Bell, the recognized godfather of the CRT movement, does not mince words in one of the essays laying out the radical aims of the theory: “As I see it, critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it.”³ Critical Race Theory shares these goals with both Critical Theory and Critical Legal Theory (or Critical Legal Studies).

This report offers the following:

1. Gives a synopsis of these three related disciplines. This includes an explanation of how CRT specifically affects Americans today and a discussion of how CRT's ideas support the concept of identity politics and blend the ideas of victimization, group identity, and political action together, leading to a divisive civic and political culture.
2. Explains how the Black Lives Matter organizations built an aggressive political movement on CRT's racially focused ideas—ideas apologists can use to justify violent riots.
3. Discusses ways policymakers and educators are integrating CRT into K-12 instruction.
4. Traces the roots of the school shooting in Parkland, Florida, in 2018 to a school policy dealing with student discipline that is being used by CRT advocates and researchers.
5. Explains that the free speech crisis on college campuses today is the application of CRT's and CT's core tenets.
6. Discusses CRT's impact on the workplace and diversity trainings, some of which pressure employees to become activists or to discuss controversial topics in the workplace.
7. Offers examples of how entertainers—actors, critics, and others—are using CRT's ideas to influence decision-making in Hollywood.
8. Provides policy recommendations that are aimed at restoring the concepts of judging people not by the color of their skin but by their conduct and the need to protect liberty so that everyone, regardless of ethnicity or background, has the opportunity to pursue the American Dream.

Critical Theory

The origins of Critical Theory can be traced to the 1937 manifesto of the Institute for Social Research in Frankfurt, colloquially known as the Frankfurt School. One of the first examples of what has come to be called the Western Marxist schools of thought, the Institute modeled itself on the Moscow-based Marx-Engels Institute. Originally, the school's official name was going to be

the *Institut für Marxismus* (Institute for Marxism), but, ever desirous of downplaying their Marxist roots, its founders thought it prudent to adopt a less provocative title, according to one of the best histories of the school's work and of Critical Theory itself, *The Dialectical Imagination*, by Martin Jay.⁴

Critical Theory was, from the start, an unremitting attack on Western institutions and norms in order to tear them down. This attack was aimed only at the West. Even though the manifesto, titled *Traditional and Critical Theory*, was written at the height of Joseph Stalin's purges, show trials, and famines, the school "maintained an almost complete official silence about events in the USSR," according to Jay.⁵ The manifesto, written by the school's second director, Max Horkheimer, claimed that traditional theory fetishized knowledge, seeing truth as empirical and universal. Critical theory, on the other hand, "held that man could not be objective and that there are no universal truths."⁶

This relativism was inherited from Friedrich Nietzsche and filtered through the dialectics of Georg Friedrich Hegel and his best-known disciple, Karl Marx. The Frankfurt School philosophers believed that "a true epistemology must end the fetish of knowledge as such, which as Nietzsche demonstrated, leads to abstract systematizing," wrote Jay.⁷ As for their Marxism, three years earlier, Horkheimer had let his true feelings for the Soviet state be known in a collection of short essays known as *Dammerung* (in German, both "dawn" and "twilight"). "He who has eyes for the meaningless injustice of the imperialist world, which in no way is to be explained by technical impotence, will regard the events in Russia as the progressive, painful attempt to overcome this injustice," he wrote.⁸

Critical Theory, and the Frankfurt School in general, were thus a renaissance of Hegelian thought and of the revolutions that had taken place as a result in 1848—repackaged for a now-industrialized Germany. "To trace the origins of Critical Theory to their true source would require an extensive analysis of the intellectual ferment of the 1840s, perhaps the most extraordinary decade in 19th century German intellectual history," wrote Jay.⁹ He adds, "It can be argued that the Frankfurt School was returning to the concerns of the Left Hegelians of the 1840s. Like that first generation of critical theorists, its members were interested in the integration of philosophy and social analysis."¹⁰

Critical Theory and Its Early Applications

In the context of the era, Critical Theory's demolition of Western traditions and norms was nothing less than a tool to implement the counter-hegemony called for in the Theory of Cultural Hegemony enunciated

in the first decades of the 20th Century by Antonio Gramsci. Marx and Friedrich Engels had promised constant revolution by the workers of the world, but by the early 1930s, few had succeeded. The founder of the Italian Communist Party, Gramsci had come to believe that the workers were not revolting and overthrowing the bourgeoisie because they had bought into the belief system of the ruling class—family, nation-state, the capitalist system, and God. What was needed was struggle sessions in which the revolutionary vanguard would teach the workers how to think. But first the norms needed to be torn down. That is where Critical Theory—and, as we will see, all its offshoots—come in.

Horkheimer and the other Frankfurt scholars left Germany to escape the Third Reich, fleeing first to Geneva, then to New York, where Columbia University allowed them to set up camp in 1935 at Teachers' College. In the United States they developed the same disdain for the American worker that Gramsci had felt for his Italian counterpart. "They insist unwaveringly on the ideology by which they are enslaved," Horkheimer wrote with another Frankfurt School scholar, Theodor Adorno, about the American worker.¹¹ After the defeat of the Nazi regime, Horkheimer, Adorno, and the others were able to return to Germany. But they left behind Horkheimer's assistant, Herbert Marcuse, who became one of the leading spokesmen of the New Left.

A witness to the upheavals caused by the riots and violence associated with the Civil Rights era and the anti-Vietnam War Movement, Marcuse discovered in them a new agent of change: minorities, of which more categories would need to be created. "Underneath the conservative popular base is the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors," Marcuse wrote. They would still need to be led ideologically—"their opposition is revolutionary even if their consciousness is not"—but the potential to stoke grievances among them was there in a way that did not exist with workers as a category.¹²

Critical Legal Theory

It is at this point that Critical Legal Theory takes over. Its scholars self-consciously acknowledge their debt to Critical Theory and other Marxist movements that came before the Frankfurt School. "Although CLS has been largely contained within the United States, it was influenced to a great extent by European philosophers, such as Karl Marx, Max Weber, Max Horkheimer, Antonio Gramsci, and Michel Foucault," reads the entry for CLT in the Cornell Law School's Legal Information Institute.¹³

The Cornell entry for Critical Legal Studies explains:

Critical legal studies (CLS) is a theory which states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. Proponents of CLS believe that the law supports the interests of those who create the law. As such, CLS states that the law supports a power dynamic which favors the historically privileged and disadvantages the historically underprivileged. CLS finds that the wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.¹⁴

Then comes the kicker: “Many in the CLS movement want to overturn the hierarchical structures of modern society[,] and they focus on the law as a tool in achieving this goal.”

Just as with Critical Theory, Critical Legal Theory is, then, an instrument to overturn society for those who follow its tenets, this time from a legal perspective. The law, they argue, is simply the cultural hegemony codified in statutes and defended by a jurisprudence that aims to support the powerful against the claims of the marginalized. CLT proponents trace their founding to the first Conference on Critical Legal Studies, held at the University of Wisconsin at Madison in 1977. Among its main theorists figure Duncan Kennedy, Roberto Mangabeira Unger, and Robert W. Gordon.¹⁵

In a 2002 essay, Kennedy acknowledges the debt Critical Legal Theory owes to both Marxism and post-modernism (championed by a mostly Parisian set of intellectuals who preached that texts could be “deconstructed” by the reader, a complicated philosophical concept that involves reinterpreting words to replace ideas based on objective physical existence), two separate critiques of bourgeois reality that nevertheless can rub uneasily against each other. “Critical legal studies,” he writes, “operates [sic] at the uneasy juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/post-modernist projects.”¹⁶

“Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system,” writes Kennedy.¹⁷ Post-modernism is a much more complex phenomenon, but it aims at the same destruction of society as the Marxist project, starting with the use of reason itself. We can gain a sense of such complexity in Kennedy’s own abstruse writing on Modernism/Postmodernism (or MPM). He explains:

[MPM] is a critique of the characteristic forms of rightness of this same culture and aims at liberation from inner and outer experiences of constraint by reason, in the name, not of justice and a new system, but of the dialectic of system and anti-system, mediated by transgressive artifacts that paradoxically reaffirm the “higher” forms of the values they seem to traduce.¹⁸

Just as with Critical Theory, post-modernism borrows heavily from the Nietzschean attack on objectivity. Writes Kennedy:

For the [MPM] project, the demand for agreement and commitment on the basis of representation with the pretension to objectivity is an enemy. The specific enemies have been the central ethical/theoretical concepts of bourgeois culture, including God, the autonomous individual choosing self, conventional morality, the family, manhood and womanhood, the nation state, humanity.¹⁹

CLT scholars also display an awareness of the rising identity groups that Marcuse identified as the new revolutionary base. Kennedy quotes approvingly his fellow university professor Cornell West as asserting the existence of an

inchoate, scattered yet gathering progressive movement that is emerging across the American landscape. This gathering now lacks both the vital moral vocabulary and the focused leadership that can constitute and sustain it. Yet it will be rooted ultimately in current activities by people of color, by labor and ecological groups, by women, by homosexuals.²⁰

Kennedy adds that “in the United States, by the end of the 1970s, with the rise of identity politics, left discourse merged with liberal discourse, and the two ideas of the rights of the oppressed and the constitutional validity of their legal claims superseded all earlier versions of rightness.”²¹

Harvard’s Berkman Klein Center’s entry on Critical Legal Theory neatly teases out the link between the legal analysis of power relations with the emerging identity-based politics. It writes that CLT scholars:

focused from the start on the ways that law contributed to illegitimate social hierarchies, producing domination of women by men, nonwhites by whites, and the poor by the wealthy. They claim that apparently neutral language and institutions, operated through law, mask relationships of power and control. The emphasis on individualism within the law similarly hides patterns of power relationships while making it more difficult to summon up a sense of community and human interconnection.”²²

Critical Race Theory

From there it is a short step to Critical Race Theory. Unsurprisingly, given its name, CRT makes everything about race the prism through which its proponents analyze all aspects of American life—and do so with a degree of persistence that has helped CRT impact all aspects of American life.

Derrick Bell, referenced above, the widely-acknowledged “godfather” of CRT, explains in the essay cited earlier that the work of CRT authors “is often disruptive because its commitment to anti-racism goes well beyond civil rights, integration, affirmative action, and other liberal measures.”²³ Bell quotes Angela P. Harris as explaining that CRT inherits from its Critical Legal Theory ancestor the commitment to dismantle all aspects of society through unremitting criticism—and at the same time eschews the 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.”²⁴ Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”²⁵

CRT’s Theoretical Applications. Because CRT is so intent on real-life transformation, some aspects of post-modernism and its deconstructionism had to be jettisoned, or at least sidelined. Kimberle Crenshaw, the CRT scholar who first came up with the CRT term “intersectionality,” put the need to abandon the Parisian post-modernism best when she wrote:

While the descriptive project of postmodernism of questioning the ways in which meaning is socially constructed is generally sound, this critique sometimes misreads the meaning of social construction and distorts its political relevance.... But to say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the contrary, a large and continuing project for subordinated people—and indeed, one of the projects for which postmodern theories have been very helpful in thinking about—is the way power has clustered around certain categories and is exercised against others.²⁶

In the end, the identity politics that CRT exists to implement was more important than salon revelries. Adherents can apply intersectionality, for example: Someone can claim to be oppressed in more than one way by citing association with more than one social group, or “axis.”²⁷ CRT writers Patricia Hill Collins and Sirma Bilge explain that with intersectionality, “people’s

lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other.”²⁸ In this way, write Helen Pluckrose and James Lindsay, CRT results in people looking for “power imbalances, bigotry, and biases that it assumes must be present,” which reduces everything to prejudice, “as understood under the power dynamics asserted by Theory.”²⁹

Of the three critical schools of thought analyzed here,³⁰ CRT is the least intellectually ethereal and the most explicitly political. Its use of story-telling—easy to understand fictional vignettes that seek to portray in every-day life terms the “systemic racism” that CRT scholars insist exists in America—is but one of the ways that CRT scholars seek to effect change.³¹ Abstraction is to be avoided because it “smuggles the privileged choice of the privileged to depersonify [sic] their claims and then pass them off as the universal authority and the universal good.”³²

It is perhaps for this reason that CRT hardly ever identifies the Frankfurt School or its Critical Theory predecessor as an influence, only acknowledging a debt to Critical Legal Theory.³³ CRT’s ceaseless assault on all American institutions and norms is pure Critical Theory, however. This assault includes the liberal order—in the classical sense, referring to Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests—something CRT scholars openly admit.

CRT and Classical Liberal Ideas

CRT’s proponents, writes Bell, “are highly suspicious of the liberal agenda, distrust its method, and want to retain what they see as a valuable strain of egalitarianism which may exist despite, and not because of, liberalism.”³⁴ This is an important departure from the original goals of the Civil Rights movement, which sought to redeem America’s promise by calling for color-blind equality. “Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law,” acknowledges Delgado.³⁵

The radical egalitarianism obviously clashes with strong protections of property rights and any notion of equal protection under the law. These are not the only liberal rights to be thrown overboard. Freedom of speech is also in CRT’s sights. “Being committed to ‘free speech’ may seem like a neutral principle, but it is not. Thus, proclaiming that ‘I am committed equally to allowing

free speech for the KKK and 2LiveCrew' is a non-neutral value judgment, one that asserts that the freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails."³⁶ Thus we arrive at today's cancel culture.³⁷

Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT. "Crits are suspicious of another liberal mainstay, namely, rights," observes Delgado, using the informal abbreviation CRT writers sometimes employ to describe themselves. The "more radical CRT scholars with roots in racial realism and an economic view of history believe that moral and legal rights are apt to do the right holder much less good than we like to think.... Think how that system applauds affording everyone equality of opportunity but resists programs that assure equality of results." Rights are "alienating. They separate people from each other—'stay away, I've got my rights'—rather than encouraging to form close, respectful communities."³⁸ The liberal principle that we universally derive these rights from a common humanity and human faculties we all share equally comes under the gun. Classical liberalism is "overly caught up in the search for universals," writes Delgado. What CRT proponents want is "individualized treatment—'context'—that pays attention to minorities' lives."³⁹ "The concepts of rights is indeterminate, vague and disutile," in Bell's words.⁴⁰

Legal and administrative neutrality, too, is an enemy because it gets in the way of uplifting such minority voices. Also—and this is a recurring theme with all critical schools, starting with Horkheimer, if not Nietzsche—neutrality is impossible to attain. On this point, Bell cites Lawrence again:

Charles Lawrence [a law professor] speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective. Lawrence asserts that such a neutral perspective does not, and cannot, exist—that we all speak from a particular point of view, from what he calls a 'positioned perspective.' The problem is that not all positioned perspectives are equally valued, equally heard, or equally included. From the perspective of critical race theory, some positions have historically been oppressed, distorted, ignored, silenced, destroyed, appropriated, commodified, and marginalized—and all of this, not accidentally.⁴¹

CRT is purposely political and dispenses with the idea of rights because it blames all inequalities of outcome on what its adherents say is pervasive racism in the United States. "White supremacy," a term that comes up repeatedly in CRT discourse and continues to be heavily used today by leaders of the Black Lives Matter organizations, must be smashed. White

supremacy does not mean an actual belief in the superiority of white people, however. It can mean anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution.

One of the most famous practitioners of CRT today, Robin DiAngelo, writes in her book, *White Fragility*:

White supremacy is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination. Again, racism is a structure, not an event. While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.⁴²

“I hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in,” DiAngelo writes.⁴³ Its use is a very successful example of the Left’s use of *strategic ambiguity* in the pursuit of a rather large and ambitious goal. The target is a free-market system that rewards hard work, ability, and other virtuous traits. Other CRT terms that have specific and unique meanings when used by its practitioners are “equity,” “diversity,” “inclusion,” and “people of color.”⁴⁴ CRT speakers have also developed peculiar turns of phrase that are specific to the group; supporters are said to be “in allyship” or “in relationship.” The U.S. is said to be a “carceral state.”⁴⁵

How Does Critical Race Theory Affect You?

Because of their strong political commitment to transforming the United States, CRT writers make clear that they do not intend for what happens on college campuses to stay on campus. “It is our hope that scholarly resistance will lay the groundwork for wide-scale resistance. We believe that standards and institutions created by and fortifying white power ought to be resisted,” writes Bell.⁴⁶ On that score, we must pronounce CRT to have been a resounding success. CRT has broken out of the classroom and become the philosophy of wide-scale resistance. It is useful to identify a few of the ways with which it impacts the daily lives of Americans.

Identity Politics. CRT has become the academic body of work that underpins identity politics, an ongoing effort to reimagine the United States as a nation not of individuals and local communities united under common purposes, but as one riven by groups based on sex, race, national origin, or gender—each with specific claims on victimization. These identity categories correspond to Marcuse’s new revolutionary base (“the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors”).⁴⁷ The identities are often artificial ones manufactured by government itself, examples being the Hispanic and Asian-American pan-ethnicities contrived in 1977 by the Office of Management and Budget (OMB), or the 31 genders approved by the New York City Commission on Human Rights.⁴⁸ Under identity politics, America is no longer a country where the individual is the central agent in society, who, because of his very existence possesses *individual* rights. Instead, membership in the official categories becomes the identity that matters when it comes to rights (mostly positive rights, not natural ones), responsibilities, and everything else. Identity politics has become the new paradigm under which many Americans now operate. Victimhood is what commands attention, respect, and entitlements, seen as compensatory justice.

CRT emerged contemporaneously with the proliferation of these identity categories in America and became the philosophical tool to implement identity politics and the attempt to transform the United States. *Race, Racism and American Law* by Derrick Bell includes toward the end a chapter for “Racism and Other Nonwhites,” among whom he names for the United States the Chinese, the Japanese, and the Mexicans.⁴⁹ It was published in 1972, two years before the Census Bureau bureaucrats, under pressure from leftist activists, opened the first national racial and ethnic advisory committee.⁵⁰ Just three years later, these activists convinced the OMB to create the pan-ethnic categories.

The simultaneity was hardly coincidental: The activists who forced the bureaucracy to confect the identities also drank deeply from the well of European philosophies brought over after World War II. “The language of ‘dominant’ and ‘subservient,’ or ‘subordinate,’ groups, integral to Critical Theory and the Frankfurt School” pervaded the work of Julian Samora, the first founder of a Hispanic studies department at a major university, the first leader of La Raza [“The Race”] and a member of the Census Bureau’s first national advisory committee on race. Samora’s 1953 dissertation, titled “Minority Leadership in a Bi-Cultural Community,” quotes the German-born American social psychologist Kurt Lewin, who was associated with the Frankfurt School.⁵¹

CRT reshaped the identitarians' thinking in new ways still and gave them newer terms to express these thoughts. Soon CRT was spawning Critical Latin Theory and other spinoffs that were identical in their approach—save for the “marginalized” subjects to be emphasized. Identity politics is difficult to challenge because it presents itself as a just demand for formerly marginalized people to claim attention and reward, but it seeks to collectivize American society; it is divisive, flouts constitutional equal protection, and represents a direct threat to republican self-rule. In all this it has found a handmaiden in CRT.

The Black Lives Matter Insurgency. The year 2020, with its protests and riots—as well as the overwhelming acceptance by the media, professional sports, corporations, the academy, and virtually all power centers, that America is irredeemably racist and must overhaul its entire system—has demonstrated that CRT's teachings have moved beyond the ivory towers and ivy walls.

How much of CRT's success has contributed to America's current obsession with race is a question that can be answered through data analysis. A separate question is how much CRT scholars, trainers, and consultants have benefitted as a result of this year's violence. The answer to the latter is, conclusively, “a lot.”

Though some may think that the new scrutiny of racial explanations for all aspects of American life may have been sparked by the death under police custody of George Floyd on May 25, 2020, an analysis for the publication the *Tablet* by Zach Goldberg, a doctoral candidate at Georgia State University, in August 2020 discovered the inverse is true. He writes:

Countless articles have been published in recent weeks, often under the guise of straight news reporting, in which journalists take for granted the legitimacy of novel theories about race and identity. Such articles illustrate a prevailing new political morality on questions of race and justice that has taken power at the [New York] Times and [Washington] Post—a worldview sometimes abbreviated as ‘wokeness’ that combines the sensibilities of highly educated and hyperliberal white professionals with elements of Black nationalism and academic critical race theory. But the media's embrace of ‘wokeness’ did not begin in response to the death of George Floyd. This racial ideology first began to take hold at leading liberal media institutions years before the arrival of Donald Trump and, in fact, heavily influenced the journalistic response to the protest movements of recent years and their critique of American society.⁵²

What Goldberg discovered through regression analyses of articles is that a “rapid proliferation of articles employing the tropes of critical race theory to ascribe racial guilt in the American system represents a reckoning with white supremacy and inequality.”⁵³ The jargon of CRT had seeped into American media, and thus into Americans’ collective consciousness, years before the Trump presidency, long before Floyd’s death. Goldberg explains:

Starting well before Donald Trump’s rise to power, while President Obama was still in office, terms like ‘microaggression’ and ‘white privilege’ were picked up by liberal journalists. These terms went from being obscure fragments of academic jargon to commonplace journalistic language in only a few years.... During this same period, while exotic new phrases were entering the discourse, universally recognizable words like ‘racism’ were being radically redefined. Along with the new language came ideas and beliefs animating a new moral-political framework to apply to public life and American society.⁵⁴

All the beliefs that are espoused today by the three founders of the Black Lives Matter organizations (Alicia Garza, Patrisse Cullors, and Opal Tometi)—that America is institutionally/structurally/systemically racist, that its legal system protects the powerful and amounts to racism codified in statutes, that neutrality and objectivity are impossible to obtain, that “objectivity and individuality are privileges,”⁵⁵ that the gauge by which to judge America is equality of outcome, that speech and other rights must be suppressed in order to protect the marginalized—come straight from the CRT canon.

Writing about the impact that Michael Brown’s death in August 2014 had on the nation, the academic James A. Lindsay observed:

Brown’s death mainstreamed Black Lives Matter and, in many respects, many of the core claims and assumptions of critical race theory throughout 2015 and 2016.... Its fundamental claim was that America was systemically racist and that this could be seen most clearly in the American police, criminal justice, and penal systems.... That none of this was true was irrelevant as Black Lives Matter mainstreamed the idea that ‘lived experience’ and ‘lived realities’ are more important arbiters of ‘truth’ than truth itself. These beliefs are central to the core assumption of critical race theory that ‘counterstories’ and narratives are more important than facts and truth where systemic racism (and other systemic oppression) is concerned. (This—storytelling, counterstory, and narrative related in service to ‘politically Black’ identity political goals should be forwarded over truth—is usually listed in the top five cornerstone assumptions of critical race theory.)⁵⁶

A September 2020 report from the U.S. Crisis Monitor, which receives support from Princeton University, revealed that BLM activists were involved in 95 percent of the riots between June 2020 and September 2020 for which the identity of the perpetrator was known.⁵⁷ When the *Claremont Review's* Charles Kesler called the disturbances “the 1619 riots” (after the CRT-influenced *New York Times* project that places slavery at the center of everything in America), the architect of the project, Nikole Hannah-Jones tweeted, “It would be an honor. Thank You.”⁵⁸

Curriculum and Action Civics in K–12 Schools. The dissemination of curricular content and instruction based on CRT in K–12 schools is second only in scope to the presence of CRT in post-secondary instruction, where CRT originated. The spread within college- and university-level syllabi and journal articles took place over the course of many decades throughout the 20th century, while the effects on K–12 schools in such areas as social studies, history, and civics have, by comparison, become visible more recently.

The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America’s founding ideals and further embedding the concept of systemic racism in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention.

Academic literature produced in the past 20 years by educational theorists on K–12 curriculum argue that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.⁵⁹ In a widely cited 1998 article from *Qualitative Studies in Education*, Gloria Ladson-Billings writes, “The use of voice or ‘naming your reality’ is a way that CRT links form and substance in scholarship.” She further writes, “Much of reality is socially constructed.” Aligned with the foundational ideals of CRT, Ladson-Billings says, “Critical race theory sees the official school curriculum as a culturally specific artifact designed to maintain a White supremacist master script.”⁶⁰

Notably, she closes the piece by saying, “I doubt if it [CRT] will go very far into the mainstream. Rather, CRT in education is likely to become the ‘darling’ of the radical left, continue to generate scholarly papers and debate, and never penetrate the classrooms and daily experiences of students of color.”

She was wrong.

Districts around the country have integrated CRT into school curricula. Both of the nation's largest teacher unions support the Black Lives Matter organization, with the National Education Association specifically calling for the use of Black Lives Matter curricular materials in K-12 schools.⁶¹ This curriculum is "committed" to ideas such as a "queer-affirming network," which have nothing to do with rigorous instructional content, and promotes racially charged essays such as "Open Secrets in First-Grade Math: Teaching about White Supremacy on American Currency."⁶² As of 2018, officials in at least 20 large school districts, including Los Angeles and Washington, DC, were promoting Black Lives Matter curricular content and the organization's "Week of Action."⁶³ According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders "support the Black Lives Matter movement."⁶⁴ Surveys are not clear on whether the prevailing sentiment among educators is support of authentic equality among individuals or of the divisive ideas espoused within the curriculum.

State and school officials are integrating CRT material into instructional content. California Governor Gavin Newsom vetoed a bill this fall that would make an ethnic studies course a high school graduation requirement for students in the state, but work on the material saturated with CRT concepts continues. Newsom called on the state board of education to revise the curricular resources so that the materials are more "balanced,"⁶⁵ yet in his veto letter, Newsom said he was "pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources." He has already approved a proposal that makes an ethnic studies course a graduation requirement for the state university system.⁶⁶

As of August 2020, the draft curriculum acknowledged CRT priorities such as power and white privilege, including statements such as, "Ethnic studies courses address race within the context of how white dominated culture impacts racism" and educators can "create and utilize lessons rooted in the four foundational disciplines alongside the sample key themes of (1) Identity, (2) History and Movement, (3) Systems of Power, and (4) Social Movements and Equity."⁶⁷ The curriculum has an entire section devoted to intersectionality, the CRT concept explained earlier that allows someone to claim victimhood based on his or her identification with more than one group (such as being from a minority ethnicity, a lower economic class, and identifying with a specific gender), accelerating a search for "power imbalances" in society.⁶⁸

As of this writing, the California Department of Education and state board continue to revise the curriculum in anticipation of a March 2021 release, even if the material is not yet required for graduation.⁶⁹ In a review of the draft materials, Williamson Evers, former U.S. Education Department official and member of the California State Academic Standards Commission, wrote in the *Wall Street Journal*, “The revised model curriculum in California portrays capitalism as oppressive and gives considerable weight to America’s socialist critics.”⁷⁰ He further says, “The proponents of critical ethnic studies are so insulated by Marxism and identity politics that they miss insights from other fields.”

The Seattle Public School Board has also included critical ethnic studies in its activities. In 2017, the board adopted a resolution that led to the creation of an “Ethnic Studies Task Force” that called for a decolonizing of school curricula, saying,

[T]he School Board acknowledges the academic research that associates the overwhelming dominance of Euro-American perspectives in textbooks, curricula and instruction and marginalization of scholarship and accomplishments by people of color as contributors to disengagement from academic learning of many students of color.⁷¹

In the description of ethnic studies that the task force drafted, the documentation included CRT buzzwords and phrases, such as “[c]ritical analysis of the source and perspective of knowledge...analysis and critique of systems of oppression, historically and currently—to include colonialism, racism, patriarchy, and capitalism,” and the “[o]bjective of examining and dismantling White supremacy and institutional racism.”⁷² The task force’s notes emphasize that the course is not just “a graduation requirement of [a] ‘tacked on’ elective,” which appears to suggest that students should have regular interactions with the course and its ideas.

In Ohio, the state board of education adopted a resolution listing the different achievement gaps between students from different backgrounds and then stating that the board “shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias” and “require training for all state employees and contractors working with the Department of Education to identify their own implicit biases”—resolutions that have nothing to do with instruction or improving student achievement.⁷³ The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”⁷⁴

To their credit, the board has since invited Ian Rowe, charter school leader and co-founder of 1776 Unites, an organization dedicated to upward mobility, to offer a perspective that counters these ideas during one of their meetings.⁷⁶ The Ohio Department of Education removed an “Anti-Racist Allyship Starter Pack” that was posted on its website this year after complaints about racially charged material.⁷⁶

Still, this focus on narratives and social issues comes at a time when 82 percent of black fourth graders read at or below what is considered a “basic” level, below the goal for what students should know at this grade, on a national comparison.⁷⁷ This figure is 28 percentage points below the same measure for white students. In 2010, Pew Center research reported the staggering statistic that more black men ages 20–34 without a high school diploma are in prison than employed, which means educators are disadvantaging minority youth when they steer K–12 schools away from rigorous content and toward “naming your reality.”⁷⁸

CRT scholarship on teaching methods is also used to advocate activism, which is dangerous considering the movement’s preference for personal narratives over knowledge and historical facts. The Obama Administration supported such activism in its 2012 report “Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action.” In the report, then-Education Secretary Arne Duncan called for a focus on “action civics” instead of “just rote memorization of names, dates, and processes.”⁷⁹ Organizations such as the Sunrise Movement and Generation Citizen, along with the Mikva Challenge at Chicago Public Schools (CPS), to name a few, have promoted action civics in the years since the report’s release.⁸⁰

Curricular content for action civics range from encouraging students to volunteer in their community to suggesting that teachers assign students, even elementary-age students, material that advocates for unionizing workers and protesting against “gentrification,” complex subjects even for adults to consider.⁸¹ While the CPS efforts endorsed anti-bullying and “School Beautification” projects, the district also advocated for student projects protesting “Police Brutality” and “LGBTQ Awareness,” as well as several walk-outs and sessions to train students to speak to the media about guns and a “Keeping It Reel Film Project” that dealt with “transgender rights.”⁸²

Some school systems have applied action civics to teaching disruptive protests. Seattle Public Schools include recommended reading material on its district website that says responses to the tragic death of George Floyd are “violent and destructive” because “police officers and the National Guard themselves are initiating violence” and “White Americans have a long, storied history of violence and destruction in this country.”⁸³

The MacIver Institute in Wisconsin reports that in the 2019–2020 school year, at least five marches were endorsed by school districts across the state, taking students out of the classroom to protest climate change and immigration policies and advocate for Black Lives Matter activities and gun control, to name a few.⁸⁴ The action civics group Generation Citizen has sponsored student projects to advocate for “more stringent mental health and social tolerance tests for NYPD [New York Police Department] applicants”—and ban the use of plastic bags in Rhode Island retail stores, among others.⁸⁵

Again, if this civic instruction was a call for more volunteer work or was somehow aligned with core subjects in which minority students still lag behind their peers, such instruction would be admirable. Yet research on student achievement in civics finds that students are woefully underprepared to understand civic participation and the functions of our nation’s government. Seventy-six percent of 8th graders scored at or below a basic level in civics on the most recent national comparison.⁸⁶ According to iCivics, “[O]nly nine states require a full year of civic education in high school,” and 10 states have no such requirement. Thirty-one states only require civics to be taught for one semester.⁸⁷ Just under half of all Americans cannot name all three branches of government, according to the Annenberg Public Policy Center at the University of Pennsylvania.⁸⁸

Teacher training steeped in critical theory (called “critical pedagogy”) demands action, however, which, when paired with the denunciation of facts described above, begs the question of how students are supposed to know what kind of action is appropriate and what is not.

After the Trump Administration supported policies that drew attention to the problems with CRT in education and the so-called anti-racism training of the federal workforce, two associate professors wrote in *Education Week* that the U.S. Department of Education should not reject CRT but “should ensure principals and teachers learn how it can be applied to address long-standing educational inequities” and “encourage federal agencies and public schools to embrace critical race theory.”⁸⁹ Parents, teachers, and policymakers concerned about CRT in schools are faced with significant challenges because some educators are determined to keep CRT in classrooms.

School Discipline and Disparate Impact Theory. What do school safety and the devastating school shooting that took the lives of 17 students and staff at a high school in Parkland, Florida, have to do with CRT? Quite a bit, in fact. Marjory Stoneman Douglas High School in Broward County, near Parkland, was one of the first school districts in the nation to embrace a school discipline policy that aimed to reduce the suspension and expulsion

(“exclusionary discipline”) of minority students.⁹⁰ Like many of the other cursory explanations of public policies or social trends linked to CRT, Broward County school administrators’ stated intent to reduce minority student interactions with police sounds well-intentioned. No one wants a child to be mistreated, and we certainly do not want a student to be treated unfairly because of his or her race.

But as with the other examples offered in this *Backgrounders*, the foundational ideas behind Broward’s PROMISE student discipline plan and other student behavior interventions that are meant to reduce the so-called school-to-prison pipeline align with CRT—and lead to negative outcomes for students, including minority students. In school discipline, the roots trace to the concept of “disparate impact,” a legal theory that says any policy that is neutral on its face in regard to the treatment of individuals from different ethnicities is still discriminatory if that policy results in disproportionate outcomes for individuals of various ethnicities or attributes (such as minority students or individuals with special needs).⁹¹

A significant body of legal research and court opinions has been dedicated to advocating the dubious legal theory of disparate impact. Disparate impact seeks to make unlawful entirely neutral, color-blind policies that may have a disproportionate impact on members of different ethnicities. The theory originated in the Civil Rights movement and employment law, but today spans many policy areas, from housing to health care, with much in between.⁹² For the purposes of student discipline, though, so-called social justice advocates have claimed that uniform, color-blind school discipline policies that suspend or expel students based on specific misbehavior result in disparate impacts for minority students.⁹³ Some school district administrators’ solution, such as those in Broward County, Buffalo Public Schools, Baltimore schools, and other large districts across the country, is to limit the use of exclusionary discipline on minority students, regardless of the nature of a student’s actions that may have instigated an educator’s disciplinary response and considering *only* the child’s race.

This is the point at which school discipline meets CRT. School officials have adopted policies that treat students differently according to race, viewing policy through a racial lens. Here, it does not matter that white students are disciplined more than Asian students or that higher levels of classroom misbehavior can be found in urban areas where there are concentrations of minority students from disadvantaged backgrounds and single-parent homes. For the policy, all that matters is that black and Hispanic students are disciplined more than white students, which according to this theory, demonstrates that implicit bias causes disproportionate levels of discipline.⁹⁴

Academic research in CRT confirms this theorized connection. In a 2014 article for the *UCLA Law Review* entitled “Exclusion, Punishment, Racism and Our schools: A Critical Race Theory Perspective on School Discipline,” David Simson says, “[R]acial stigmatization, stereotyping, and implicit biases that are based on a long history of racial prejudice in the United States continue to infuse seemingly objective standards of what is considered appropriate behavior, as well as the practices—such as punitive school discipline—that are used to enforce such standards.”⁹⁵ Simson claims “advocates will have to rely on alternative strategies to soften and to reverse the negative impact that punitive school discipline imposes on students, especially minority students.” Laurence Parker and David O. Stovall also made the connection in “Actions Following Words: Critical Race Theory Connects to Critical Pedagogy” in a 2004 issue of *Educational Philosophy and Theory*. They write, “The connection between critical race theory and education would entail linking teaching and research to general practical knowledge about institutional forces that have a disparate impact on racial minority communities.”⁹⁶

Empirical researchers, those studying the data on student discipline according to race, also cite a link between CRT and their work. Russell Skiba, a noted researcher in this area of study, was a co-author of “You Can’t Fix What You Don’t Look at: Acknowledging Race in Addressing Racial Discipline Practices,” in which he and his co-authors wrote,

Schools will make the progress if data open a door to reflective and critical conversations about the ways in which school processes, adult actions, and adult interactions with students may contribute to disciplinary outcomes. Sustaining a critical conversation about race patterns means asking questions about the full set of interactions that produce disparate patterns; about how race factors in to [sic] how adults react to students, and how students react to adults; about which false or harmful notions about “races” we carry around with us as we interact; and even when and how thinking of other human beings in terms of race is helpful.⁹⁷

The authors here are not referring to critical thinking in the traditional academic sense of evaluating different possible answers to a question; instead they mean “critical” in the deconstructive sense from the field of CRT.

A federal appeals court ruling in 1997, however, said that school discipline policies based on disparate impact result in disciplinary quotas that “violate equity in its root sense. They entail either systematically over-punishing the innocent or systematically under-punishing the guilty. They place race at

war with justice.”⁹⁸ The highest court has not yet ruled specifically against disparate impact.⁹⁹

Nevertheless, the Obama Administration praised the Broward County program and based a federal directive on school safety and student discipline in 2014 on the idea of disparate impact, adopting many of the recommended student discipline policies from Broward’s program.¹⁰⁰ The Administration threatened to withhold federal education spending from schools that reported high rates of exclusionary discipline among minority students, resulting in school district officials around the country limiting educators’ ability to maintain order in the classroom.

While zero-tolerance policies that suspended or expelled students with little review of a particular incident can be too harsh, research finds that limiting exclusionary discipline keeps disruptive and even dangerous students in the classroom. Research finds this policy puts the peers of disruptive students at risk—and correlates with lower academic achievement outcomes for affected students. Educators also report more dangerous school environments in systems using such policies.¹⁰¹

Broward County’s PROMISE program and memorandum of understanding with local police were the central documents and policy ideas applying CRT and creating a district-wide culture of limiting student contact, especially minority student contact, with law enforcement—even when students committed actions that endangered others.¹⁰² In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and 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.¹⁰³

As a result, the school district’s PROMISE program was not designed to refer the troubled former student who committed the horrific acts at Marjory Stoneman Douglas High School in February 2018 to law enforcement in the *years* prior to the incident. The former student, who is white, had a long list of prior infractions and was sent to participate in the PROMISE program in middle school.¹⁰⁴ Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.¹⁰⁵

Whether the fault lies with the execution of the PROMISE program or bureaucratic failures by school district officials, the fact remains that Broward school administrators worked with law enforcement and intentionally created a culture that limited student interaction with police and exclusionary discipline. School districts around the country, such as Minneapolis and Milwaukee, are still using such policies, and officials directly state that the

plans are meant to limit the exclusionary discipline of minority students.¹⁰⁶ And while disparate impact predated the founding of CRT, CRT advocates in education are applying this legal theory today to limit teachers' ability to make decisions based on student behavior—policies that consider students in groups according to skin color, disregarding the importance of individual actions.¹⁰⁷

All of which led to a devastating, fatal result in Parkland.

Free Speech on College Campuses. Since CRT originated in post-secondary institutions, it comes as no surprise that some of the most intolerant manifestations of CRT are found on university campuses. College grounds have been the home to protests for decades, but many in the current generation of rioters are determined to have their ideas heard and not allow others to express themselves, even sometimes resorting to violence. Further, activist students and their allies issue demands to school administrators that attempt to exercise power over those in positions of authority.

A recent example comes from the State University of New York at Binghamton. In November 2019, disruptive students attacked a College Republicans' display, destroying the flyers and papers on the table, then overturning the tables, all while threatening the students who had set up the display.¹⁰⁸ Not only did the rioters want to oppose the ideas being displayed, they did not want those ideas to even be available for consideration by anyone else.

Rioters were determined to do this again just days later, when the College Republicans and Young America's Foundation (YAF) invited the noted economist Arthur Laffer to speak on campus. Campus officials offered students who disagreed with YAF and Laffer a lecture hall in which to hold their own event, but the rioters chose instead to block Laffer's lecture. Rioters used physical force to demonstrate their power and shouted down the speaker, standing on desks and screaming until police intervened and stopped the entire event.¹⁰⁹

While school administrators did not enforce consequences on the disruptive students, school officials did commit resources to an initiative that will scrutinize campus police activities in response to the death of Jacob Blake in Kenosha, Wisconsin.¹¹⁰ Notwithstanding that the Laffer shout-down happened on the Binghamton campus and involved enrolled students—while the Blake incident took place in an entirely different state—university leaders said they recognized “protestors” calling for “racial justice” as part of an incident that had nothing to do with what was happening on campus.

The common refrain from progressive observers is that conservative students are the only ones who complain about speech-related incidents.¹¹¹

This can be easily refuted, however, by citing statements from groups like the SUNY-Binghamton College Democrats who condemned this shout-down, even though they disagreed with College Republicans on policy issues.¹¹² Shout-downs such as this are not a partisan issue, but an indication of a specific worldview that aligns with CRT and its progenitor, Critical Theory, which rioters have adopted.

Other examples clearly illustrate the connection between shout-downs on campus and CRT. In April 2018, Columbia University students marched to the school library and made demands taken straight from the writings of CRT theorists. The students wanted to “decolonize Columbia” and “demanded the University replace or rename statues, make its curriculum more diverse, increase faculty diversity, recognize the debt owed to marginalized peoples, such as the Lenape people [Native American tribes that lived in the northeast], and recognize the decision by graduate students to unionize.”¹¹³ In a show of force and disregard for authority, students ignored Law School Dean Yadira Ramos-Herbert, who told students they were in violation of school rules and directed them to leave so that students could study.

Over the past decade, events such as these have occurred at colleges around the country, sometimes involving the shout-down of a university president (such as at Duke and the University of Oregon) or the occupation of or damage to large areas of a campus surrounding a professor or invited speaker’s remarks (such as at Evergreen State College and the University of California-Berkeley in 2017).¹¹⁴ Observers must note the language and terms students used during these campus takeovers are pulled directly from CRT.

At Evergreen, a self-described progressive institution, rioting students intimidated Professor Bret Weinstein during the spring of 2017, gathering around Weinstein and chanting, “[W]e want to dismantle the anti-blackness campus-wide, [sic] we want to give some sense of solidarity and provide safety.”¹¹⁵ Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.¹¹⁶ The Evergreen saga is powerfully documented in a series of videos created by Mike Nayna that make for terrifying viewing. Rioting students occupied administrative buildings, at one point trapping the school president in his office and only allowing him to use the bathroom under escort.

Yale students and faculty made headlines in 2015 when students demanded the removal of two professors. One of these faculty, noted early childhood scholar Erika Christakis, wrote an e-mail to the school community suggesting the school administration’s guidelines regarding Halloween costumes deserved more consideration and might be “heavy-handed.”¹¹⁷

Angry students confronted Erika's husband, Nikolas, saying the school was "no longer a safe space," with another student saying the professor's words were an "act of violence," an idea drawn from Critical Theory that words and discourse create reality and therefore can cause physical harm.¹¹⁸ Offended students drew from CRT's language and ideas in a written response to Erika's e-mail, saying the school itself suffers from "intolerable racism that students of color experience everyday," then touched on intersectionality by saying Yale has a "long history of racism...which has disproportionately harmed women of color."¹¹⁹

Again, such demands from a college community are becoming more common. Hundreds of Princeton faculty sent a letter to the university president earlier this year laced with CRT language. "Anti-Blackness is foundational to America," the letter says and asks the administration to "support us in this effort to disrupt the institutional hierarchies perpetuating inequity and harm."¹²⁰ A group of students at Sarah Lawrence calling themselves the "Diaspora Coalition" occupied a building on campus in 2019 and issued a list of wide-ranging demands that included a "mandatory first-year orientation session about intellectual elitism and classism," along with more free laundry soap.¹²¹

While CRT literature does not demand laundry services, its denunciation of free speech and classical liberal values that allow anyone, regardless of the color of his or her skin or family background, to live in a civil society are serious. Helen Pluckrose and James Lindsay write in *Cynical Theories*, "Certain views—academic views—shared by professionals—are considered too dangerous or even 'violent' to be allowed a platform."¹²² Indeed, in 1968, Critical Theorist Herbert Marcuse wrote that society should only be tolerant of the ideas from oppressed groups, and that conservative ideas should be repressed. Marcuse wrote:

It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.... Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right—these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance.¹²³

CRT writers applied this idea to their area of study. Richard Delgado wrote in 1994, “We are raising the possibility that the correct argument may sometimes be: the First Amendment condemns [the suppression of speech, even hate speech], therefore the First Amendment (or the way we understand it) is wrong.”¹²⁴ Still more pointedly, Delgado and Jean Stefancic write in *Critical Race Theory: An Introduction*, “If one is an idealist, campus speech codes, tort remedies for racist speech, diversity seminars, and increasing the representation of black, brown, and Asian actors on television shows will be high on one’s list of priorities.”¹²⁵ Again, remember CRT founder Derrick Bell’s comment cited earlier in this *Backgrounder* that CRT scholarship should incite rebellion and “most critical race theorists are committed to a program of scholarly resistance, and most hope scholarly resistance will lay the groundwork for wide-scale resistance.”¹²⁶

In addition to CRT’s central tenets of disrupting systems of power and destabilizing classical liberal civil and political structures, CRT and Critical Theory object to free speech as a cornerstone of society. The themes and logical responses from CRT proponents are echoed by students who shout down professors, guest speakers, and even other students at colleges across the country.

The Workplace and CRT Trainings. The CRT-influenced trainings that are often seen in America’s workplaces and schools are little more than modern-day versions of the struggle sessions that Gramsci recommended for European workers in 1920s, in the sense that they seek to replace what its practitioners see as a “cultural hegemony” with a “counter-hegemony.” A well-known example of this indoctrination came in 2020 from the National Museum for African American History and Culture, a Smithsonian institution. Until President Trump and others criticized it, forcing administrators to take it down, the museum ran an “anti-racist” chart that disparaged “hard work” and “cause and effect relationships” and criticized ideas such as “hard work is the key to success,” “work before play,” and “objective, rational linear thinking,” saying these are attributes of “white dominant culture, or whiteness.”¹²⁷

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”¹²⁸ It says, among other things, that “[w]hiteness and the normalization of white racial identity throughout America’s history have created a culture where nonwhite persons are seen as inferior or abnormal.”

Other examples of CRT training in the federal workforce include the Treasury Department holding a session telling employees that “virtually all White people contribute to racism” and the Department of

Homeland Security hosting a training on “microaggressions, microinequities, and microassaults,” in which white employees were told that they had been “socialized into oppressor roles.”¹²⁹

Nor are the efforts to subvert society limited to the federal workforce. The Society for Human Resources Management (SHRM), the lobbying arm of human resource (HR) professionals, uses empathetic language in its descriptions of diversity training sessions, such as making work “a place where we, our members, and our business community can bring our unique professional talents to stand together against all forms of social injustice.”¹³⁰ No one wants injustice to exist in the workplace—or anywhere—but SHRM’s training materials follow the design of other modern-day applications of CRT. The SHRM is influential, noting in its promotional material that the organization has over 300,000 human resource and business executive members in 165 countries—and impacts some 115 million workers.¹³¹

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”¹³² Examples of this text include the organization’s survey finding that “52 [percent] of organizations have provided or plan to provide new training on implicit/unconscious bias, equity, inclusion, or other diversity-related topics,” followed by guided questions such as: What types of new training has your organization provided on implicit/unconscious bias, equity, inclusion, or other diversity-related topics? Have you sought out guidance or education on how to address your own implicit/unconscious bias?

The SHRM’s survey reports that “60 percent of HR professionals believe organizations have a responsibility to take a stance on important social/societal issues and to communicate that position,” which can put those who are not comfortable having such work conversations in compromising positions. While SHRM’s encouragement to “listen and ask thoughtful questions” and “invite a colleague to coffee” are reasonable, organizations should not pressure employees to become activists or look for examples of unconscious bias.

The SHRM reports that 68 percent of black HR professionals “would decrease or have decreased the amount of goods or services purchased from a company that remained silent on the topic of racial injustice,” again, pushing the singular view of systemic oppression from the perspective of CRT into the business sector.

As for the consultant class itself, the leading ones are all also cut from the CRT cloth. Robin DiAngelo, who charges up to \$75,000 for speaking fees, is described in the book cover for her best seller, *White Fragility*, as “an academic, educator, and author working in the fields of critical discourse analysis and whiteness studies.”¹³³ In her book, DiAngelo writes, “All

progress we have made in the realm of civil rights has been accomplished through identity politics.... This book is unapologetically rooted in identity politics.”¹³⁴

School district officials are also paying for diversity trainings. In Virginia, Fairfax County Public Schools paid one of the leading voices in the social justice movement, Ibram X. Kendi, \$20,000 to speak before district employees.¹³⁵ Local news reported that the payment is equal to \$300 per minute “at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students.” Nearby, in Montgomery County, Maryland, the school board has proposed paying the Mid-Atlantic Equality Consortium \$454,680 to conduct an “anti-racist audit” that will examine “Workforce Diversity,” “Work Conditions,” and a “K-12 Curriculum Review.”¹³⁶ The Washington, DC, public school district says some 2,000 district employees have participated in diversity training programs hosted by the training group Courageous Conversations.¹³⁷

Despite these rich rewards, many of the main practitioners of these CRT trainings—certainly the most famous ones, including DiAngelo, Kendi, Darnisa Amante-Jackson, Glenn E. Singleton, and others—advocate abandoning capitalism, as all Critical Schools have for almost a century now.

CRT’s writers insist that capitalism is a system that rewards only Western traits. In a long *New York Times Magazine* profile in July 2020, Amante-Jackson was described as “all but utopian as she envisioned a movement away ‘from capitalist, Western’ ideals and described a future education system that would be transformed: built around students’ ‘telling their stories and listening to the stories of others.’”¹³⁸ In the same article, DiAngelo is quoted as saying, “Capitalism is so bound up with racism...capitalism is dependent on inequality, on an underclass. If the model is profit over everything else, you’re not going to look at your policies to see what is most racially equitable.” In his book, *How to Be an Anti-Racist*, Kendi strongly condemns capitalism: “Capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes, and they shall one day die together from unnatural causes.”¹³⁹ Despite their expressed desire to eradicate capitalism, DiAngelo addressed 184 Democratic members of the House of Representatives in June 2020, and Kendi’s work is used by the National Museum of African American History and Culture, a Smithsonian Institution.¹⁴⁰

Media and Entertainment. More evidence that CRT’s proponents are not satisfied to leave any part of mainstream life untouched by the dogmas of intolerance and identity politics can be found in Hollywood. Writing in the *Telegraph*, sociologist 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.)¹⁴¹ Dabiri uses the parlance of CRT, saying “race has been constructed by our society,” and “I am always sensitive to the advantages I might have in comparison with darker[-]skinned black women, because the truth is there is a huge difference in how society treats us.” Dabiri misses the irony that her article criticizes Saldana for not being black enough, criticism that led Saldana to apologize in 2020 for taking the role, four years after the movie was released.¹⁴²

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.¹⁴³ Critics have lobbed race-based screeds at actors such as Armie Hammer for simply being white and an actor, Murray explains. Reviewers criticized actress Scarlett Johansson for playing “an Asian woman’s consciousness inside a white android” in the science fiction film *Ghost in the Shell* with the naysayers seemingly unwilling to suspend belief—even when watching a science fiction film.¹⁴⁴ At least these performers were able to ply their trade. In 2018, so-called social justice observers publicly shamed Sierra Boggess, a Caucasian actress, for accepting the role of Maria in a BBC production of *West Side Story*. Boggess turned down the role in the wake of the criticism.¹⁴⁵

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.¹⁴⁶ Slate voiced a character whose fictional mother is Jewish and white, as Slate is personally. But since the character is also black, Slate says, “Black characters on an animated show should be played by Black people.” The Bell-Slate announcement is another clear example of how intersectionality—not meritocracy, nor color-blindness—propels decision-making in entertainment, regardless of whether the actors and actresses are aware of the worldview underpinning their choices.

In entertainment, as well as the education and workforce sectors of society, CRT is well-established, driving decision-making according to skin color, and not because of individual value and talent. Furthermore, as CRT advocates express dogmas based in identity politics and other Critical Theory components in mainstream publications, the appearance of these concepts becomes more familiar to the viewing public, helping CRT proponents to “normalize” intolerance and the idea of systemic racism for the average viewer.

Policy Recommendations

- **Critical Race Theory and identity politics should not drive the government’s creation of categories through the Census and other surveys.** The government *at all levels* should get out of the

business of creating official identity categories, without which identity politics would wither away. It should go back to asking citizens for national origin, language spoken in the home, etc.—actual facts, not synthetic concoctions. It could also introduce questions on family structure (i.e., whether there is both a mother and a father in house, how many children were born in non-intact families, etc.).

- **The federal government should not support so-called diversity trainings that claim the presence of Critical ideas such as “unconscious bias.”** Federal officials should keep in place President Trump’s Executive Order eliminating CRT trainings in the federal workforce and among federal contractors and use its bully pulpit to encourage the private sector to similarly discontinue these counter-productive “trainings.”¹⁴⁷
- **Parents should know what is being taught in their children’s K–12 schools.** State policymakers should require that public schools make their curricular resources available to the public. Parents and taxpayers should have access to the material that teachers are using in the classroom. Some charter schools provide models to follow and already make these resources available.¹⁴⁸ Such transparency will help families as they make decisions about how and where their children learn by evaluating the offerings of different schools and education institutions.
- **Federal directives should not micromanage local schools’ student discipline policies.** Federal officials should not allow for the reinstatement of the Obama Administration’s 2014 “Dear Colleague” Letter on disparate impact, and policymakers should review other sections of federal law to remove the concept of disparate impact.¹⁴⁹ For example, disparate impact theory is included in the Individuals with Disabilities Education Act (IDEA), the federal law governing services and spending for children with special needs in public schools.¹⁵⁰ The Obama Administration further embedded this idea in IDEA’s regulations at the end of his Administration.

Federal, state, and local officials should allow educators and parents to work together to evaluate disciplinary incidents according to the circumstances and actions involved. School districts should not be required to maintain certain quotas of students who do or do not face exclusionary discipline.

- **State policymakers must protect free speech on public college campuses—especially when college administrators do not.** State lawmakers should consider proposals that require public university systems to provide student orientation sessions discussing free speech on campus. Policymakers in Alabama, Arizona, Georgia, North Carolina, and Wisconsin have models that other state officials should follow.¹⁵¹ State officials should also require public university governing boards to create policies that require university administrators to sanction *anyone* in a university community, including students, that violate someone else's expressive rights, up to and including suspension and expulsion. Administrators should refer violations of the law to law enforcement, but university officials should protect expressive rights through the enforcement of school codes of conduct.

Conclusion

Critical Race Theory began as an academic concept, but we can find the ideas all around us today, from schoolhouses to the corporate world to Hollywood. Racism and intolerance should have no place in America, but CRT is more than just a philosophical objection to discrimination. When followed to its logical conclusion, CRT is destructive and rejects the fundamental ideas on which our constitutional republic is based.

No nation, not even America, is perfect, but as Abraham Lincoln said in his address to the Young Men's Lyceum of Springfield in 1838, "There is no grievance that is a fit object of redress by mob law." We must restore the "temple of liberty...with other pillars, hewn from the solid quarry of sober reason."¹⁵² Our generation, and every generation, must "let the proud fabric of freedom rest" upon the ideas of liberty, "a reverence for the constitution and laws," and the pursuit of a civil society that offers freedom and opportunity to all Americans, regardless of the color of their skin.¹⁵³

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Appendix

Critical Race Theory: A movement that is “a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power.”¹⁵⁴

De-colonialism: An “applied postmodern mind-set” that believes “we must devalue white, Western ways of knowing for belonging to white Westerners and promote Eastern ones (in order to equalize the power imbalance.”¹⁵⁵

Disparate Impact: An approach to civil rights enforcement that claims that an entirely neutral policy that does not discriminate on its face, is not intended to discriminate, and does not actually treat individuals differently based on their race *still* constitutes illegal racial discrimination if it has a “disproportionate” statistical effect among different racial and ethnic groups.¹⁵⁶

Diversity: Diversity is desirable when it obtains organically as a result of meritocracy. Numerous reports show that companies with women and people from various demographic backgrounds in leadership out-earn companies without them. In one such report this year, McKinsey & Company found that “the relationship between diversity on executive teams and the likelihood of financial outperformance has strengthened over time.”¹⁵⁷

What CRT adherents always mean when they use the term, however, is *enforced* diversity through the use of mandated or recommended quotas. This cannot but lead to worse outcomes if it results in the hiring of less-competent workforce or management. It is also coercive. To pretend, as Ibram X. Kendi does, that “[a] racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups,” is to demand quotas in hiring, admissions, contracting, etc.¹⁵⁸

Equity: The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”¹⁵⁹

This meaning has been completely inverted in today’s usage. Today, equity has come to mean the opposite of equality. Again, we have Kendi to help us: “The defining question is whether the discrimination is creating equity or inequity. If discrimination is creating equity, then it is antiracist. If discrimination is creating inequity, then it is racist. Someone reproducing inequity through permanently assisting an overrepresented racial group into wealth and power is entirely different than someone challenging that inequity by temporarily assisting an underrepresented racial group into relative wealth and power until equity is reached. The only remedy to racist discrimination is antiracist discrimination.”¹⁶⁰

Equity, then, means inequality of treatment. Kris Putnam-Walkerly and Elizabeth Russell of the Putnam Consulting Group see equity as something even approaching the Marxian “to each according to his needs.” They write that equity is “different from ‘equality,’ in which everyone has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform.” Equity, to them, “is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go.”¹⁶¹

Intersectionality: A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”¹⁶²

Minorities: This term has evolved to include now the idea of “collective victimization” and is intricately tied to identity politics, which is a political project of the Left. This was not always the case, however. The modern-day usage of this word does not appear in a dictionary until 1961.¹⁶³ In the 18th century, James Madison and the other Founding Fathers used the term to mean those political factions who were numerically inferior to an ideological majority. In the 19th and early 20th centuries, the term was used to refer to ethnic minorities in Europe, especially those of the polyglot Ottoman, Russian, and Hapsburg empires.

The sociologist Philip Gleason says the media in 1929 mentioned “disgruntled minorities,” such as “growling Ruthenians” and “scowling Macedonians,” suggesting that “Americans found the spectacle of national minority bickering distasteful.”¹⁶⁴ In 1938, the U.S. Supreme Court used something close to the modern definition of the term when Justice Harlan Stone asked in footnote four of the *U.S. v. Carolene Products* decision (but leaving the question unanswered) whether “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”¹⁶⁵ This is known as the “most famous footnote in law” because it introduced the concept of strict scrutiny.

Louis Wirth, a German-born American sociologist and urbanist associated with the Frankfurt School is credited with defining the term in the modern American meaning for the first time in 1945, in a foundational essay in which he stated: “We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out by the others in the society in which they live for differential and unequal

treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges.” He cited “the Negro, the Indian, and the Oriental,” as well as “Catholics, Jews, and Mormons” as examples of minorities in the United States.¹⁶⁶

People of Color: This is one of the newest terms in the lexicon. In one of the most comprehensive accounts on the origin of such terms as minorities, Gleason speculates that it “owes part of its appeal to its implicit restriction of the special status accorded ‘designated minorities’ to those distinguished by a racially linked phenotypical feature.”¹⁶⁷ In an eye-opening op-ed in *The New York Times* in 2020—eye-opening because of what it said and where it was published—Haney Lopez and Tory Gavito reported on a survey they had just concluded, writing that, “Progressives commonly categorize Latinos as people of color, no doubt partly because progressive Latinos see the group that way and encourage others to do so as well. Certainly, we both once took that perspective for granted. Yet in our survey, only one in four Hispanics saw the group as people of color. In contrast, the majority rejected this designation. They preferred to see Hispanics as a group integrating into the American mainstream, one not overly bound by racial constraints but instead able to get ahead through hard work.”¹⁶⁸

White Supremacy: The term “white supremacy” can be confusing because it can mean an actual belief in the superiority of white people, in which case it is despicable. However, it is nearly *always* employed to mean something much larger—anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution. It is constantly used in CRT discourses, yet hardly ever defined. Robin DiAngelo does helpfully supply something close to a definition, one in which she tells us that employing the term to define, say, the KKK, is “reductive” and obscures the entirety of the system.

“White supremacy,” she writes, “is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination.” She further states, “While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.... I

hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in.”

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Reviewed As To Form By
Legislative Service Commission

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134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

To amend sections 3314.03 and 3326.11 and to enact sections 3313.6027 and 4113.35 of the Revised Code to prohibit school districts, community schools, STEM schools, and state agencies from teaching, advocating, or promoting divisive concepts.

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

Section 1. That sections 3314.03 and 3326.11 be amended and sections 3313.6027 and 4113.35 of the Revised Code be enacted to read as follows:

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Sec. 3313.6027. (A) As used in this section:

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(1) "Divisive concepts" means the concepts that:

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(a) One nationality, color, ethnicity, race, or sex is inherently superior to another nationality, color, ethnicity, race, or sex.

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(b) The United States is fundamentally racist or sexist.

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(c) An individual, by virtue of the individual's

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nationality, color, ethnicity, race, or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously. 17
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(d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, color, ethnicity, race, or sex. 21
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(e) Members of one nationality, color, ethnicity, race, or sex cannot and should not attempt to treat others without respect to nationality, color, ethnicity, race, or sex. 24
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(f) An individual's moral character is necessarily determined by the individual's nationality, color, ethnicity, race, or sex. 27
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(g) An individual, by virtue of the individual's nationality, color, ethnicity, race, or sex, bears responsibility for actions committed in the past by other members of the same nationality, color, ethnicity, race, or sex. 30
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(h) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, color, ethnicity, race, or sex to oppress another nationality, color, ethnicity, race, or sex. 34
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(i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. 38
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(2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a nationality, color, ethnicity, race, or sex or to an individual because of the individual's nationality, color, ethnicity, race, or sex. 40
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(3) "Race or sex scapegoating" means assigning fault,

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blame, or bias to a nationality, color, ethnicity, race, or sex
or to members of a nationality, color, ethnicity, race, or sex
because of their nationality, color, ethnicity, race, or sex. It
also includes any claim that consciously or unconsciously, and
by virtue of their nationality, color, ethnicity, race, or sex,
members of any nationality, color, ethnicity, or race are
inherently racist or are inherently inclined to oppress others
or members of a sex are inherently sexist or are inherently
inclined to oppress others.

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(B) (1) No school district shall teach, instruct, or train
any divisive concepts, nor shall any school district require a
student to advocate for or against a specific topic or point of
view to receive credit for any coursework.

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(2) No school district shall accept private funding for
the purpose of developing a curriculum, purchasing or selecting
course materials, or providing teacher training or professional
development for a course promoting divisive concepts.

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(C) If the superintendent of public instruction determines
that any school district knowingly violates the prohibitions
prescribed in division (B) of this section, the department of
education shall withhold state funding from the district in the
amount determined by the department until such time as the
department determines the district no longer is in violation of
that division.

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

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(1) The history of an ethnic group, as described in textbooks and instructional materials adopted in accordance with the Revised Code concerning textbooks and instructional materials; 74
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(2) The impartial discussion of controversial aspects of history; 79
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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; 81
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(4) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions. 84
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(E) The state board of education may adopt rules regarding the implementation of and monitoring compliance with the provisions of this section. 88
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Sec. 3314.03. A copy of every contract entered into under this section shall be filed with the superintendent of public instruction. The department of education shall make available on its web site a copy of every approved, executed contract filed with the superintendent under this section. 91
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(A) Each contract entered into between a sponsor and the governing authority of a community school shall specify the following: 96
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(1) That the school shall be established as either of the following: 99
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(a) A nonprofit corporation established under Chapter 1702. of the Revised Code, if established prior to April 8, 101
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2003;	103
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105
(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;	106
(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;	107
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	108
(6) (a) Dismissal procedures;	109
(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.	110
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	111
(8) Requirements for financial audits by the auditor of	112
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state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

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insurance, or otherwise provide for the potential liability of the school. 158
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(c) The school will be nonsectarian in its programs, admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 161
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 165
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 183
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(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for 18
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the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title 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

215
(g) The school governing authority will submit within four 216
months after the end of each school year a report of its 217
activities and progress in meeting the goals and standards of 218
divisions (A) (3) and (4) of this section and its financial

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status to the sponsor and the parents of all students enrolled in the school. 219
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(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
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(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
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(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
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(k) The school will comply with sections 3313.6021 and 3313.6023 of the Revised Code as if it were a school district unless it is either of the following: 237
238
239

(i) An internet- or computer-based community school; 240
241

(ii) A community school in which a majority of the enrolled students are children with disabilities as described in division (A)(4)(b) of section 3314.35 of the Revised Code. 242
243

(l) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code. 244
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(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

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	277
(19) A provision requiring the governing authority to	278
adopt a policy regarding the admission of students who reside	279
outside the district in which the school is located. That policy	280
shall comply with the admissions procedures specified in	281
sections 3314.06 and 3314.061 of the Revised Code and, at the	282
sole discretion of the authority, shall do one of the following:	283
(a) Prohibit the enrollment of students who reside outside	284
the district in which the school is located;	285
(b) Permit the enrollment of students who reside in	286
districts adjacent to the district in which the school is	287
located;	288
(c) Permit the enrollment of students who reside in any	289
other district in the state.	290
(20) A provision recognizing the authority of the	291
department of education to take over the sponsorship of the	292
school in accordance with the provisions of division (C) of	293
section 3314.015 of the Revised Code;	294
(21) A provision recognizing the sponsor's authority to	295
assume the operation of a school under the conditions specified	296
in division (B) of section 3314.073 of the Revised Code;	297
(22) A provision recognizing both of the following:	298
(a) The authority of public health and safety officials to	299
inspect the facilities of the school and to order the facilities	300
closed if those officials find that the facilities are not in	301
compliance with health and safety laws and regulations;	302
(b) The authority of the department of education as the	303
community school oversight body to suspend the operation of the	304
school under section 3314.072 of the Revised Code if the	

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department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

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polices will be available for public inspection;	334
(28) That the school's attendance and participation records shall be made available to the department of education, auditor of state, and school's sponsor to the extent permitted under and in accordance with the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, and any regulations promulgated under that act, and section 3319.321 of the Revised Code;	335 336 337 338 339 340 341
(29) If a school operates using the blended learning model, as defined in section 3301.079 of the Revised Code, all of the following information:	342 343 344
(a) An indication of what blended learning model or models will be used;	345 346
(b) A description of how student instructional needs will be determined and documented;	347 348
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	349 350
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	351 352 353
(e) A statement describing how student progress will be monitored;	354 355
(f) A statement describing how private student data will be protected;	356 357
(g) A description of the professional development activities that will be offered to teachers.	358 359
(30) A provision requiring that all moneys the school's	360

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

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	389
of the school;	
	390
(5) Internal financial controls.	
	391
When submitting the plan under this division, the school	392
shall also submit copies of all policies and procedures	393
regarding internal financial controls adopted by the governing	394
authority of the school.	
	395
(C) A contract entered into under section 3314.02 of the	396
Revised Code between a sponsor and the governing authority of a	397
community school may provide for the community school governing	398
authority to make payments to the sponsor, which is hereby	399
authorized to receive such payments as set forth in the contract	400
between the governing authority and the sponsor. The total	401
amount of such payments for monitoring, oversight, and technical	402
assistance of the school shall not exceed three per cent of the	403
total amount of payments for operating expenses that the school	404
receives from the state.	
	405
(D) The contract shall specify the duties of the sponsor	406
which shall be in accordance with the written agreement entered	407
into with the department of education under division (B) of	408
section 3314.015 of the Revised Code and shall include the	409
following:	
	410
(1) Monitor the community school's compliance with all	411
laws applicable to the school and with the terms of the	412
contract;	
	413
(2) Monitor and evaluate the academic and fiscal	414
performance and the organization and operation of the community	415
school on at least an annual basis;	
	416
(3) Report on an annual basis the results of the	417
evaluation conducted under division (D) (2) of this section to	

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the department of education and to the parents of students	418
enrolled in the community school;	419
(4) Provide technical assistance to the community school	420
in complying with laws applicable to the school and terms of the	421
contract;	422
(5) Take steps to intervene in the school's operation to	423
correct problems in the school's overall performance, declare	424
the school to be on probationary status pursuant to section	425
3314.073 of the Revised Code, suspend the operation of the	426
school pursuant to section 3314.072 of the Revised Code, or	427
terminate the contract of the school pursuant to section 3314.07	428
of the Revised Code as determined necessary by the sponsor;	429
(6) Have in place a plan of action to be undertaken in the	430
event the community school experiences financial difficulties or	431
closes prior to the end of a school year.	432
(E) Upon the expiration of a contract entered into under	433
this section, the sponsor of a community school may, with the	434
approval of the governing authority of the school, renew that	435
contract for a period of time determined by the sponsor, but not	436
ending earlier than the end of any school year, if the sponsor	437
finds that the school's compliance with applicable laws and	438
terms of the contract and the school's progress in meeting the	439
academic goals prescribed in the contract have been	440
satisfactory. Any contract that is renewed under this division	441
remains subject to the provisions of sections 3314.07, 3314.072,	442
and 3314.073 of the Revised Code.	443
(F) If a community school fails to open for operation	444
within one year after the contract entered into under this	445
section is adopted pursuant to division (D) of section 3314.02	446

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of the Revised Code or permanently closes prior to the 447
 expiration of the contract, the contract shall be void and the 448
 school shall not enter into a contract with any other sponsor. A 449
 school shall not be considered permanently closed because the 450
 operations of the school have been suspended pursuant to section 451
 3314.072 of the Revised Code. 452

Sec. 3326.11. Each science, technology, engineering, and 453
 mathematics school established under this chapter and its 454
 governing body shall comply with sections 9.90, 9.91, 109.65, 455
 121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 456
 3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 457
 3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 458
 3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 459
 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 460
 3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.61, 3313.611, 461
 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 3313.643, 462
 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 463
 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 464
 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 465
 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 3313.814, 466
 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 467
 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 3319.321, 468
 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 3320.01, 469
 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 3321.14, 470
 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 3323.251, 471
 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 472
 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 4112., 473
 4123., 4141., and 4167. of the Revised Code as if it were a 474
 school district. 475

Sec. 4113.35. (A) As used in this section: 476

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- (1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
478
- (2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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- (3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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- (B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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- (2) No state employee shall face any penalty or discrimination on account of the employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts. No state employee shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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- (3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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- (C) The administrative head of each state agency shall do the following: 502
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- (1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

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inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
 the Revised Code are hereby repealed. 559

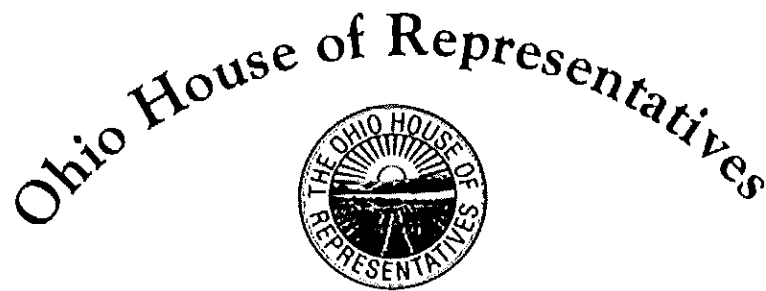
Section 3. The General Assembly, applying the principle 560
 stated in division (B) of section 1.52 of the Revised Code that 561
 amendments are to be harmonized if reasonably capable of 562
 simultaneous operation, finds that the following sections, 563

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presented in this act as composites of the sections as amended	564
by the acts indicated, are the resulting versions of the	565
sections in effect prior to the effective date of the sections	566
as presented in this act:	567
Section 3314.03 of the Revised Code as amended by H.B.	568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B.	569
89, all of the 133rd General Assembly.	570
Section 3326.11 of the Revised Code as amended by H.B.	571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	572
General Assembly.	573

From: Rep76
Sent: Friday, May 21, 2021 10:32 AM
To: House_All
Subject: FW: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives
From: Representative Diane V. Grendell
Date: May 10, 2021
RE: Cosponsor Request: Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

Fellow Representatives,

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

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

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

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

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

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

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

The deadline to cosponsor this legislation is **Friday, May 21st 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>

State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

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Date: May 10, 2021

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

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

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

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

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

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

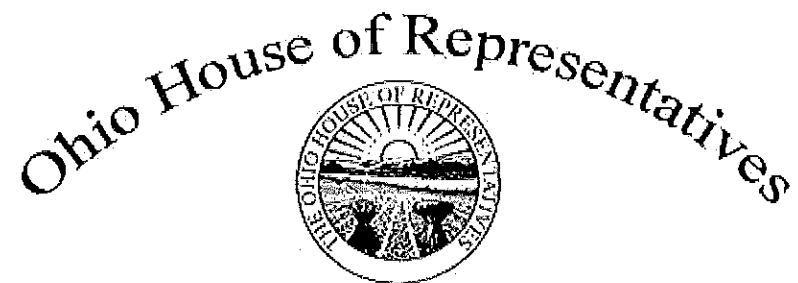
If you wish to cosponsor this legislation preventing the teaching of critical race theory or other divisive or racist teaching, please contact my legislative aide Brandon at Rep76@ohiohouse.gov.

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

Sincerely,

<image002.png>

From: 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 24th at 9am in the Majority Conference Room on the 15th floor.

Representatives Grendell has scheduled a conference call with Oklahoma Senator David Bullard, Oklahoma House Representative Kevin West, Idaho House Representative Wendy Horman and Arkansas House Representative Mark Lower who have passed similar legislation in other states. We are looking forward to hearing from them and continuing to strengthening our bill efforts.

Thank you!

From: Hinman, Will

Sent: Tuesday, May 25, 2021 12:31 PM

To: Rep30; Seitz, Bill; Ginter, Tim; Jones, Don; Abrams, Cindy; Carfagna, Rick; Cupp, Bob; Robert Cupp; Morrison, Christine; Boehner, Sheila; Crum, Dwight; VanKirk, Robert

Subject: Idaho CRT bill

Attachments: H0377.pdf

Rep Seitz,

Here is the Idaho CRT bill you mentioned.

<https://legislature.idaho.gov/wp-content/uploads/sessioninfo/2021/legislation/H0377.pdf>

Will

Get [Outlook for iOS](#)



IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 377

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION; AMENDING
2 CHAPTER 1, TITLE 33, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 33-138,
3 IDAHO CODE, TO PROVIDE LEGISLATIVE INTENT, TO PROVIDE LEGISLATIVE FIND-
4 INGS, TO ESTABLISH PROHIBITIONS REGARDING CERTAIN TENETS, DISTINCTIONS
5 OR CLASSIFICATIONS, OR COURSES OF INSTRUCTION OR UNITS OF STUDY, AND TO
6 PROVIDE FOR STATUTORY CONSTRUCTION; AMENDING CHAPTER 1, TITLE 33, IDAHO
7 CODE, BY THE ADDITION OF A NEW SECTION 33-139, IDAHO CODE, TO PROHIBIT
8 THE EXPENDITURE OF MONEYS FOR CERTAIN PURPOSES; PROVIDING SEVERABIL-
9 ITY; AND DECLARING AN EMERGENCY.
10

11 Be It Enacted by the Legislature of the State of Idaho:

12 SECTION 1. That Chapter 1, Title 33, Idaho Code, be, and the same is
13 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
14 ignated as Section 33-138, Idaho Code, and to read as follows:

15 33-138. DIGNITY AND NONDISCRIMINATION IN PUBLIC EDUCATION. (1) It is
16 the intent of the legislature that administrators, faculty members, other
17 employees, and students at public schools, including public charter schools
18 and institutions of higher education, respect the dignity of others, ac-
19 knowledge the right of others to express differing opinions, and foster and
20 defend intellectual honesty, freedom of inquiry and instruction, and free-
21 dom of speech and association.

22 (2) The Idaho legislature finds that tenets outlined in subsection
23 (3) (a) of this section, often found in "critical race theory," undermine the
24 objectives outlined in subsection (1) of this section and exacerbate and
25 inflame divisions on the basis of sex, race, ethnicity, religion, color, na-
26 tional origin, or other criteria in ways contrary to the unity of the nation
27 and the well-being of the state of Idaho and its citizens.

28 (3) In accordance with section 6, article IX of the constitution of the
29 state of Idaho and section 67-5909, Idaho Code:

30 (a) No public institution of higher education, school district, or pub-
31 lic school, including a public charter school, shall direct or other-
32 wise compel students to personally affirm, adopt, or adhere to any of
33 the following tenets:

34 (i) That any sex, race, ethnicity, religion, color, or national
35 origin is inherently superior or inferior;

36 (ii) That individuals should be adversely treated on the basis of
37 their sex, race, ethnicity, religion, color, or national origin;
38 or

39 (iii) That individuals, by virtue of sex, race, ethnicity, reli-
40 gion, color, or national origin, are inherently responsible for
41 actions committed in the past by other members of the same sex,
42 race, ethnicity, religion, color, or national origin.

1 (b) No distinction or classification of students shall be made on ac-
 2 count of race or color.

3 (c) No course of instruction or unit of study directing or otherwise
 4 compelling students to personally affirm, adopt, or adhere to any of the
 5 tenets identified in paragraph (a) of this subsection shall be used or
 6 introduced in any institution of higher education, any school district,
 7 or any public school, including a public charter school.

8 (4) Nothing in this section should be construed to prohibit the re-
 9 quired collection or reporting of demographic data by public schools or
 10 public institutions of higher education.

11 SECTION 2. That Chapter 1, Title 33, Idaho Code, be, and the same is
 12 hereby amended by the addition thereto of a NEW SECTION, to be known and des-
 13 ignated as Section 33-139, Idaho Code, and to read as follows:

14 33-139. PROHIBITION ON THE EXPENDITURE OF MONEYS FOR CERTAIN PUR-
 15 POSES. No moneys shall be expended by the state board of education, any
 16 entity under the state board of education's jurisdiction, or any school dis-
 17 trict, public charter school, or public institution of higher education for
 18 any purpose prohibited in section 33-138, Idaho Code.

19 SECTION 3. SEVERABILITY. The provisions of this act are hereby declared
 20 to be severable and if any provision of this act or the application of such
 21 provision to any person or circumstance is declared invalid for any reason,
 22 such declaration shall not affect the validity of the remaining portions of
 23 this act.

24 SECTION 4. An emergency existing therefor, which emergency is hereby
 25 declared to exist, this act shall be in full force and effect on and after its
 26 passage and approval.

From: Rep95
Sent: Thursday, May 27, 2021 2:57 PM
To: Jones, Don
Subject: FW: 10TV interview - HB 322

Follow Up Flag: FollowUp
Flag Status: Flagged

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Thursday, May 27, 2021 2:56 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: RE: 10TV interview - HB 322

Join Zoom Meeting
<https://us04web.zoom.us/j/76677753984?pwd=TkZWL3Q5Qks0bEdEQ1ozY2tmN3MzZz09>

Meeting ID: 766 7775 3984
Passcode: cvv1D7

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Thursday, May 27, 2021 1:03 PM
To: Rep95@ohiohouse.gov
Subject: Re: 10TV interview - HB 322

Hi there. Confirming 3 works?

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 5:40:52 PM
To: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Subject: Re: 10TV interview - HB 322

Could we do 3?

From: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Sent: Wednesday, May 26, 2021 5:31:59 PM
To: Smith, Ellie <Eleanor.Smith@10tv.com>
Subject: RE: 10TV interview - HB 322

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password.
Send suspicious email to infosec@tegnac.com.

Hi Ellie, could we do tomorrow at 2, 2:30, or 3? Thanks!

AJ

AJ THOMAS

Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov

From: Smith, Ellie <Eleanor.Smith@10tv.com>

Sent: Wednesday, May 26, 2021 3:14 PM

To: Rep95 <Rep95@ohiohouse.gov>

Subject: 10TV interview - HB 322

Hi Rep. Jones,

I'm a producer at 10TV News. We would be interested in interviewing you about House Bill 322. Please let me know if you might have some time for a Zoom interview about it some time before the end of the week. Please let me know if you have any questions or concerns. Thanks!



A TEGNA Company

Ellie Smith

Morning Content Coordinator

eleanor.smith@10tv.com

c: 614.406.7217

f  10TV.com

From: Rep95
Sent: Friday, May 28, 2021 11:04 AM
To: Jones, Don; Jach, Taylor
Subject: FW: HB 322

From: Susan Tebben <susantebben@gmail.com>
Sent: Friday, May 28, 2021 10:49 AM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: HB 322

Hi Rep. Jones-

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 322.

I'm calling just to get your perspective as the author of the bill and just some general questions about it. I read your statement on the introduction of the bill with interest, it just gave me some short follow-up queries.

I won't take more than 10 minutes of your time, which I know is at a premium, so please let me know what time works for you, or give me a call at (740) 707-4568.

If an email statement would be more accessible at this time, I would be happy to send questions. I'm looking to do a story to run Monday, so ideally I would like to talk or receive the email statement by the end of the day today.

Thank you, and I look forward to speaking with you!

Susan

Susan Tebben
Reporter
Ohio Capital Journal
stebben@ohiocapitaljournal.com
(740) 707-4568

From: Rep95
Sent: Tuesday, June 1, 2021 12:19 PM
To: Jach, Taylor; Jones, Don
Subject: FW: Spectrum News 1 Appearance

-----Original Message-----
From: jarrod.allen@charter.com <jarrod.allen@charter.com>
Sent: Tuesday, June 01, 2021 12:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: Spectrum News 1 Appearance

First Name : Jarrod

Last Name : Allen

Address : 580 N 4th St Suite 350

City : Columbus

State : OH

Zip : 43215

Phone : (614) 531-3820

Email : jarrod.allen@charter.com

Subject :
Spectrum News 1 Appearance

Message :
Hi Rep. Jones-

I'm reaching out on behalf of Curtis Jackson, our evening news anchor & podcast host for Dear Ohio.
<https://spectrumnews1.com/oh/columbus/shows/Dear-Ohio-Podcast>

We're preparing an upcoming episode on Critical Race Theory and he has asked me to invite you to participate in a 1-on-1 interview via webex or phone tomorrow or Thursday afternoon if you have up to but no more than 30 minutes to spare. Usually around 2 or 3 o'clock.

Your interview will be 1 of 2 to be featured on the podcast. The podcast is 18-24 minutes in length, while each interview is usually about 15-20 minutes of question & answer, then assembled into the podcast. If you'd like to hear one of them to see how they're presented publicly, they're available at the link I've included above.

Thanks, Representative.
We hope to hear from you at your earliest convenience.
Jarrod Allen
obo Curtis Jackson

From: julie@bcioh.com
Sent: Tuesday, January 26, 2021 2:11 PM
To: Rep95
Subject: education policy

First Name: Julie
Last Name: Rosenmayer
Email: julie@bcioh.com
Phone: (937) 364-0016
Address:
570 Park Ave
Lynchburg, OH 45142

Subject: education policy

Message: Good afternoon Majority Whip Jones! Could you tell me if there is any Ohio legislation pending or worth considering that would ban the 1619 Project and Critical Race Theory from our constituent funded education system? Also, are you aware of pending legislation in Illinois regard something called Culturally Responsive Teaching and Leading Standards? I've read that it is legislation that other states are considering and using Illinois as the tip of the spear. These programs are dangerous Marxist propaganda and should have absolutely no place in Ohio schools. Thank you for your time and have a great day! Julie Rosenmayer

<https://thefederalist.com/2020/09/29/critical-race-theory-is-a-classic-communist-divide-and-conquer-tactic/>

<https://www.nassp.org/culturally-responsive-schools/>

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:

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](#)
- [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](#)
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- [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

CRT Discrimination against Asian Communities

- Chinese-American Parents Condemn Critical Race Theory
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- 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
- Brown Fragility

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

Organizations offering liberal approaches to social problems

- Counterweight
- FairForAll
- Academic Freedom Association
- FIRE

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 CRT's 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: 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

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. 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](#)) is but one example 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:

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- 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
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- 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: kcavanagh@ajgoulderelectric.com
Sent: Friday, April 23, 2021 2:31 PM
To: Rep95
Subject: Critical Race Theory

First Name: Karen
Last Name: Cavanagh
Email: kcavanagh@ajgoulderelectric.com
Phone: (440) 346-2278
Address:
476 Hickory Lane
Painesville, OH 44077

Subject: Critical Race Theory

Message: Has the legislation proposed any issues on critical race theory? I don't understand why the Ohio citizens do not know that critical race theory is born from Marxist ideology. Instead of it being built on class conflict, it is now trying to spread its tentacles into society under the guise of critical race theory (Race Conflict). Ultimately to have the same long term effect. Other state legislators have made it a priority to abolish this deceptive equity based program. Are the Ohio State Legislators doing the same? If not, you must. We must do everything we can to get a bill passed and sent to Governor Dewine for signature. Word must also get out about the Ohio Department of Education adopting this radical program, as well as local school boards. I ask that you fight for us. Thank you,

From: Bridgett Wagner, The Heritage Foundation

Sent: Tuesday, April 27, 2021 11:47 AM

To: Rep95

Subject: Reps. Chip Roy and Kat Cammack confirmed for Resource Bank Virtual!



JUNE 2 - 3 | VIRTUAL

Dear Andrew,

I'm excited to announce we'll be joined by Texas Congressman Chip Roy, Florida Congresswoman Kat Cammack, author of WOKE, INC. Vivek Ramaswamy, and former Director of Policy Planning at the U.S. State Department Kiron Skinner for Resource Bank Virtual this June 2-3! They'll highlight the challenges we're up against, the courage and grit it takes to fight, and how we stand up for freedom.

Throughout our programming, we'll strategize, unite the movement, and chart a path forward to:

- Safeguard our elections
- Prevent abuses of Big Tech and censorship
- Combat Critical Race Theory
- Address Climate Change
- Push back against amnesty
- Respond to the rise of China
- Restore American Values
- Fundraise and plan strategically

REGISTER >>

Spots are filling up rapidly, so make sure to register today! Please use the button above or [this unique link](#) to access registration.

I hope you can join us!

Best,
Bridgett Wagner
Vice President, Policy Promotion
The Heritage Foundation

214 Massachusetts Avenue, NE | Washington, D.C. 20002 | (202) 608-1524

You are subscribed to Heritage Foundation event communication emails as Rep95@ohiohouse.gov. If you want to change your email preferences, please click [here](#) to update your subscription.

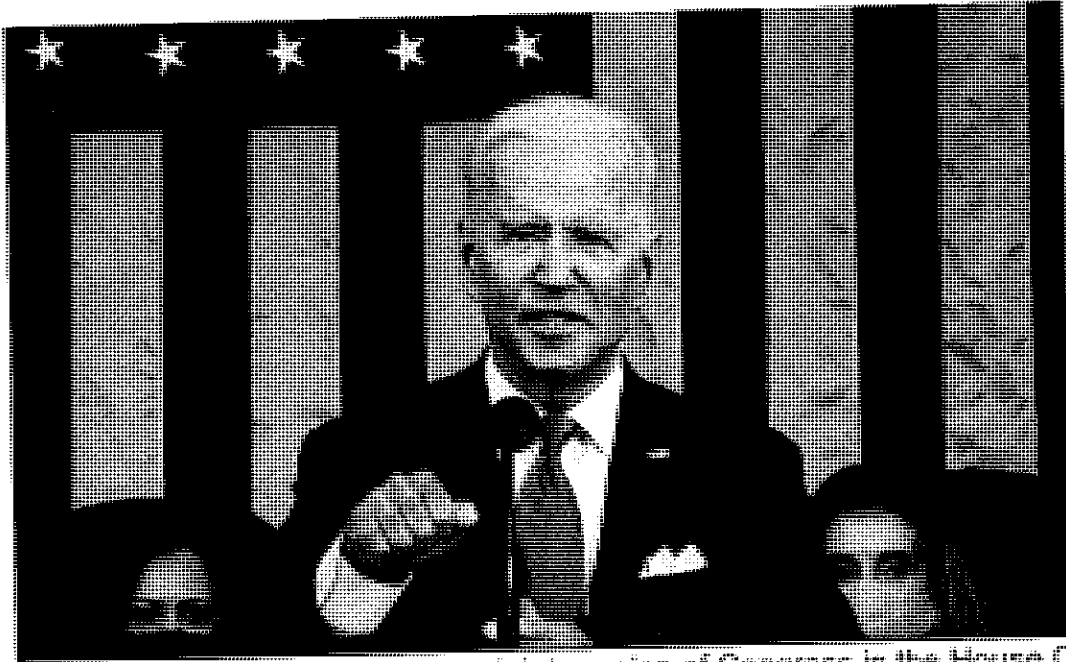
From: Rebecca Khune

Sent: Friday, April 30, 2021 7:51 AM

To: Rep95; hoagland@ohiosenate.gov

Subject: Biden's 100-Day Speech - Brainwashing Will Begin at Age 3 - Commentary

The New Public Education System Under Biden



President Joe Biden addresses a joint session of Congress in the House Chamber of the U.S. Capitol in Washington on April 28, 2021. (Melina Mara/Pool/Getty Images)

VIEWPOINTS

Biden's 100-Day Speech: Brainwashing Will Begin at Age 3



ROGER L. SIMON

April 28, 2021 Updated: April 29, 2021

Commentary

In a recent article, I called on Donald Trump, if he were to run again, to define himself as the education president, to bring us back to a system free of ideological bias, one that would teach young people how to think, not what to think, as the present one does, with few exceptions, from kindergarten to doctorate.

I also assumed this would mean a return of education to local government, to the parents and students, the real consumers of the education, and take it out of the hands of Washington bureaucrats with whatever (usually statist) axes they have to grind.

During his April 28 speech, just before his 100th day in office, the current holder of the presidency, Joe Biden, did just the opposite.

He outlined his intention to increase the grip of the federal government on our educational system, this time all the way down to pre-K, and, in so doing, became the Miseducation President.

Of all the titanic spending proposals in his American Family Plan (\$1.8 trillion to \$1.9 trillion, according to reports—specific costs were curiously left out of the speech, although they were available elsewhere) Biden spoke about that night, his education programs present the most serious long-term danger.

They go to the fabric of our culture and, once started, aren't easily reversed. Wittingly or not, they have the capacity to bring this republic to a point of no return, making it unrecognizable.

It should be obvious why this is terrible. When the federal government, not local governments, spends gigantic, dominant sums of money on education across the country, it tends to take control—and most often does take control—of what our children and young people are learning.

That means dictating all their textbooks, curricula, testing, and so forth, from the top down, from the center—just as it does today in communist China and did in the Soviet Union and Nazi Germany.

It's the necessary road to totalitarianism. You don't get there without control of the schools.

And now they want to start younger, funding pre-K with \$200 billion to, dare we say it, brainwash 3- and 4-year olds.

Is brainwashing an exaggeration?

Well, you decide. No mention was made by Biden of critical race theory in his speech (no surprise there, considering it's radioactive). As most readers know, that's the neo-Marxist doctrine that says race determines everything in our lives. Federal educational programs are already fraught with it, with its influence being expanded daily, along with the discredited 1619 Project that relates all American history to slavery.

But there is no reason to believe these wouldn't be repurposed for pre-K consumption.

Could anything be more appalling? The idea of teaching or even implying to 3- and 4-year olds that their entire lives are governed by their skin color is unadulterated child abuse, not to mention directly contrary to every principle you would think this country stood for, that Martin Luther King Jr. preached.

Imagine a white 3-year-old grappling with some dumbed-down version of "white skin privilege" or some black tot being informed he was born a victim for life. What a way to prepare them for the future! (What was the old jingle? "Two, four, six, eight/brainwash and teach to hate.")

Again, is this an exaggeration? If it's only partly true, it's preparing the way for fascism in a way we have never experienced in this country.

And only the rich will be able to survive this abuse, because their children will doubtless be attending private schools, which, though often suffused with similar propaganda these days, are at least accountable to some extent to the parents who pay tuition.

Further, on the education front, Biden proposes to make two-year community college free at a cost to taxpayers of \$109 billion with an additional \$85 billion for Pell Grants for those who want to go on to four-year colleges and yet another \$62 billion to "improve retention rates" for "disadvantaged students." Then there's an additional \$46 billion for black colleges and other institutions that serve minorities (more segregation).

As they used to say in Esquire when it was funny, "What's that in real money?"

More to the point, as with pre-K, what do they intend to teach? What are they buying with all this unlimited cash? More control? A special track for those who believe in "systemic racism"? Memorial editions of Herbert Marcuse for every student in America?

The United States has spent more per student than just about any country in the world for some time now with negligible, very often negative results. How will this unprecedented largesse change this?

Does Biden think about those things or is this merely (exorbitantly) expensive virtue signaling?

Hard to say because no one ever accused, at least no one I know, Biden of being a deep thinker. We used to think of him as a scrapper kind of guy, that type that got through law school even when he was caught plagiarizing (extensively) and

was able to continue his political career, reach the presidency even, after having been caught plagiarizing several times again from fellow politicians, foreign and domestic.

What he thought was the least of it. Anyway, his positions change with the wind.

Biden's history always reminds me of that dictum of 17th-century British common law—"Falsus in uno falsus in omnibus" (False in one thing false in everything).

So when it comes to the rest of the non-education part of his massive giveaway, it's hard to unscramble what he really means or even think he deeply believes in it. The energy in the speech was next to non-existent.

He kind of wants to be FDR-lite while feigning he seeks to bring us together. Then he talks absolute nonsense about Jan. 6, making it a greater threat to the United States than Pearl Harbor.

That nonsense and he are more than a little addled. The real substance seems to be coming to him from other sources (the Obamas, Valerie Jarrett, Susan Rice, and so forth) via a rather obvious stage whisper.

Biden plans to pay for these unprecedentedly generous plans in the traditional manner—taxing the rich. But most times when that's tried, the rich simply flee to another country. The French had to walk it back when they enacted a wealth tax. The same goes for raising the business tax so that it's, of all things, higher than communist China's. (Maybe Apple and Google will finally get it over with and move there.)

But all these economic stratagems can be reversed in a year or two, if they even get through Congress in the first place.

Even an open border can be rebuilt.

It's his education plans that scare me.

Roger L. Simon is an award-winning novelist, Oscar-nominated screenwriter, co-founder of PJMedia, and now, editor-at-large for The Epoch Times. His most recent books are "The GOAT" (fiction) and "I Know Best: How Moral Narcissism Is Destroying Our Republic, If It Hasn't Already" (nonfiction). He can be found on Parler as @rogerlsimon.

Views expressed in this article are the opinions of the author and do not necessarily reflect the views of The Epoch Times.

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 CRT's 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: michael
Sent: Wednesday, May 5, 2021 1:43 PM
To: Rep95
Subject: Ohio CRT issue

Dear Representative Jones,

First off, thank you for all that you do. I am writing to you today asking that you do everything in your power to remove Critical Race Theory (CRT) and/or any threatening elements of CRT that are already embedded in our educational programs, from expanding and infecting the academic progress and well-being of our children in all Ohio schools. I am also asking that you remove any mandated CRT training that the State of Ohio or the Federal Government “encourages” teachers, teacher-aides, administrative staff, NGO’s or any persons, organizations or affiliates that work at/with or do business at/with the Ohio Board of Education and the Department of Education.

It is my expressed belief that this ideology is promoting the fundamentals and doctrines that are aligned with Marxism, and by utilizing the concept of “race” once again, to divide this Country. CRT’s foundation is a bedrock of hatred and malevolence of which is creating a “struggle between the “oppressors” (white people) and the “oppressed” (everybody else), similar to Marxism’s reduction of history to a struggle between the “bourgeois” and the “proletariat.” It labels institutions that emerged in majority-white societies as racist and “white supremacist.”

Below are two articles that may help and clear up any confusion about the issue of CRT here in the United States and Ohio.

https://www.theepochtimes.com/oklahoma-house-votes-to-ban-teaching-of-critical-race-theory-in-public-schools_3797277.html

https://www.theepochtimes.com/echoes-of-mao-weaponizing-schools-with-critical-race-theory_3769243.html

Sincerely,

Michael and Diana Hamel

From: Bruce Christopher

Sent: Friday, May 7, 2021 3:23 PM

To: Rep83; Rep94; Rep99; Rep98; Rep95; Rep73; Rep47; Rep47; Rep80; Rep82; Rep85;
Rep42; Rep63; Rep63; Rep76; Rep01; Rep02; Rep04

Subject: MCFAN

Attachments: MCFANMay 2021.pdf; Kirsanow 5 8 21.docx

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



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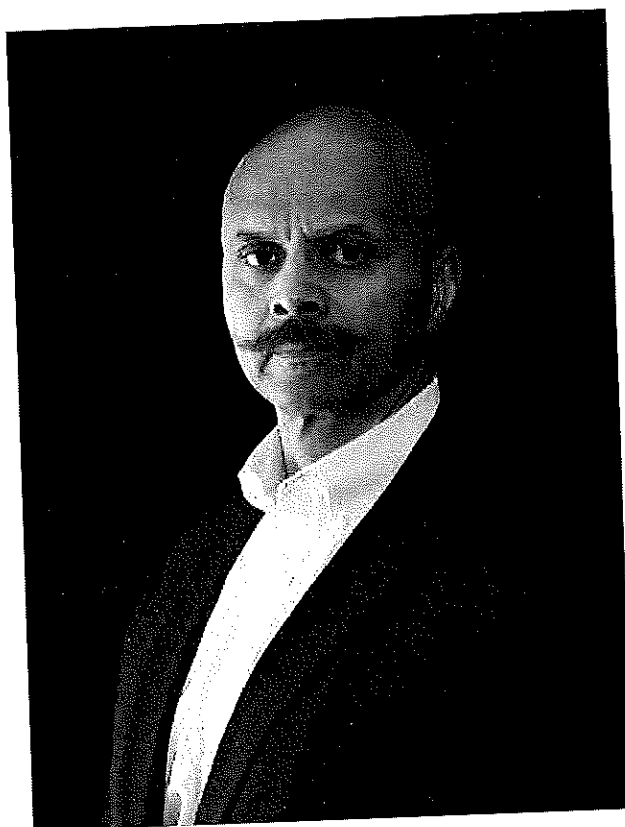
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For info call Lisa at 330-241-5226 lisawoods@mcfan.org





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
lisa woods@mcfan.org
MCFAN, Medina County Friends and Neighbors
<https://www.facebook.com/MCFANmedina/>
330-241-5226

From: blstine@icloud.com

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

To: Rep95

Subject: topics to be covered at Republican Party dinner in Carroll County Wednesday, May 13

First Name: Brenda

Last Name: Stine

Email: blstine@icloud.com

Address:

196 Wayne Ave. NW

Carrollton, OH 44615

Subject: topics to be covered at Republican Party dinner in Carroll County Wednesday, May 13

Message: I am planning to attend the Republican Party dinner on May 13th. I am hoping, Congressman Jones, that you will address these issues below and why I am not seeing Ohio make headlines as a state that has:

- banned the teaching of critical race theory, by whatever name it presents itself, in our public schools or as the organizing ideology for any teaching materials, textbooks, or staff training
- banned any but the most traditional, age appropriate health or sex education programs--the LGBTQ agenda should have no place in our public schools
- passed legislation that would further define and limit absentee or mail-in voting and limit the tally to that which is received by election day
- prohibit private entities from bankrolling any election resources or facilities

I look forward to meeting you.

Brenda Stine

From: DJoe2
Sent: Friday, May 14, 2021 5:00 PM
To: Rep95
Subject: Stop Critical Race Theory

Dear Representative Jones,

We are writing out of an abundance of concern over the teaching of critical race theory in Ohio's schools, government, and places of employment. We fiercely object to the abhorrent viewpoint that Blacks should forever be regarded as helpless victims, incapable of success regardless of their skills, talents, or hard work, or without aid from government or whites. Further, we absolutely object to the view that anyone be judged by the color of their skin rather than the content of their character. This is precisely the true definition of racism and utterly violates the movement for which such great civil rights leaders as Dr. Martin Luther King Jr. believed, fought, and died.

If institutions were genuinely serious about "diversity", they would not insist on the indoctrination of society to a single mindset, most reminiscent of the Chinese Cultural Revolution. Likewise, if they were serious about "inclusiveness", they would not insist on teaching the extraordinarily divisive idea that there are only, and always, two groups in this country: victims and oppressors. There is only one people group and it is that of a single human race! And please do not confuse the concept of equity (same outcome) with equality (same opportunity). We are ALL equal and important parts with differing talents in a much larger, far more complex, picture than this gutting and rewriting of our nation's history could possibly suggest.

Critical race theory fosters a divisive community where lip service is paid to freedom of speech in a cancel culture in which families of different races, which until recently were part of the same community, are now segregated into two. This is not progress, it is regression! Not a single moment nor a single penny should be spent teaching others to hate their country and each other! Your community is urging you to sponsor legislation to end this war on the races by stopping the teaching of critical race theory in all our institutions!

Respectfully,

Concerned, Registered Ohio Voters

From: Rep95
Sent: Friday, May 14, 2021 5:08 PM
To: 'DJoe2'
Subject: RE: Stop Critical Race Theory

Thank you! Just this morning I put out a co-sponsor request with State Rep. Bird for a bill that will prohibit critical race theory in K-12 schools. This is quickly becoming a priority in our caucus. Our bill only deals with K-12 education, as we see the best route is to have a separate bill for other state entities. We plan on formally dropping the bill next week so stay tuned. Please feel free to contact our office with any other concerns.

Office of State Representative Don Jones | Ohio's 95th House District
Majority Whip
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
Rep95@ohiohouse.gov

From: DJoe2 <DJoe2@protonmail.com>
Sent: Friday, May 14, 2021 5:00 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: Stop Critical Race Theory

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We are writing out of an abundance of concern over the teaching of critical race theory in Ohio's schools, government, and places of employment. We fiercely object to the abhorrent viewpoint that Blacks should forever be regarded as helpless victims, incapable of success regardless of their skills, talents, or hard work, or without aid from government or whites. Further, we absolutely object to the view that anyone be judged by the color of their skin rather than the content of their character. This is precisely the true definition of racism and utterly violates the movement for which such great civil rights leaders as Dr. Martin Luther King Jr. believed, fought, and died.

If institutions were genuinely serious about "diversity", they would not insist on the indoctrination of society to a single mindset, most reminiscent of the Chinese Cultural Revolution. Likewise, if they were serious about "inclusiveness", they would not insist on teaching the extraordinarily divisive idea that there are only, and always, two groups in this country: victims and oppressors. There is only one people group and it is that of a single human race! And please do not confuse the concept of equity (same outcome) with equality (same opportunity). We are ALL equal and important parts with differing talents in a much larger, far

more complex, picture than this gutting and rewriting of our nation's history could possibly suggest.

Critical race theory fosters a divisive community where lip service is paid to freedom of speech in a cancel culture in which families of different races, which until recently were part of the same community, are now segregated into two. This is not progress, it is regression! Not a single moment nor a single penny should be spent teaching others to hate their country and each other! Your community is urging you to sponsor legislation to end this war on the races by stopping the teaching of critical race theory in all our institutions!

Respectfully,

Concerned, Registered Ohio Voters

From: msumner2011@gmail.com
Sent: Saturday, May 15, 2021 9:49 AM
To: Rep95
Subject: School curriculum

First Name: milton
Last Name: sumner
Email: msumner2011@gmail.com
Address:
213 s. marietta st.
st. clausville, OH 43950

Subject: School curriculum

Message: Rep. Jones,
I am once again contacting you about the critical race theory. This does not belong in school since it divides people. It places guilt on whites and victimhood on blacks. It teaches that whites should be shamed and carry guilt. Blacks on the other hand are taught they are victims of white supremacy.

Another important issue is that biological males being allowed to compete on girls teams. This is unfair to girls and further promotes the acceptance of a mental disorder. This issue also promotes administering hormonal drugs to children and a lot of time radical surgeries.

I strongly ask you to present legislation that will ban these harmful issues.

Thank you,
Milton Sumner

From: DJoe2
Sent: Monday, May 17, 2021 12:25 AM
To: Rep95
Subject: RE: Stop Critical Race Theory and HB 73

Thank you for working to prohibit the teaching of critical race theory in K-12 schools!
We understand there is yet another assault on school curriculum in H.B. 73. We hope you will oppose that as well.

We support and very much appreciate your efforts!

Best Regards

----- Original Message -----
On Friday, May 14, 2021 5:08 PM, Rep95@ohiohouse.gov <Rep95@ohiohouse.gov> wrote:

Thank you! Just this morning I put out a co-sponsor request with State Rep. Bird for a bill that will prohibit critical race theory in K-12 schools. This is quickly becoming a priority in our caucus. Our bill only deals with K-12 education, as we see the best route is to have a separate bill for other state entities. We plan on formally dropping the bill next week so stay tuned. Please feel free to contact our office with any other concerns.

Office of State Representative Don Jones | Ohio's 95th House District
Majority Whip

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

Rep95@ohiohouse.gov

From: DJoe2 <DJoe2@protonmail.com>
Sent: Friday, May 14, 2021 5:00 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: Stop Critical Race Theory

Dear Representative Jones,

We are writing out of an abundance of concern over the teaching of critical race theory in Ohio's schools, government, and places of employment. We fiercely object to the abhorrent viewpoint that Blacks should forever be regarded as helpless victims, incapable of success regardless of their skills, talents, or hard work, or without aid from government or whites. Further, we absolutely object to the view that anyone be judged by the color of their skin rather than the content of their character. This is precisely the true definition of racism and utterly violates the movement for which such great civil rights leaders as Dr. Martin Luther King Jr. believed, fought, and died.

If institutions were genuinely serious about "diversity", they would not insist on the indoctrination of society to a single mindset, most reminiscent of the Chinese Cultural Revolution. Likewise, if they were serious about "inclusiveness", they would not insist on teaching the extraordinarily divisive idea that there are only, and always, two groups in this country: victims and oppressors. There is only one people group and it is that of a single human race! And please do not confuse the concept of equity (same outcome) with equality (same opportunity). We are ALL equal and important parts with differing talents in a much larger, far more complex, picture than this gutting and rewriting of our nation's history could possibly suggest.

Critical race theory fosters a divisive community where lip service is paid to freedom of speech in a cancel culture in which families of different races, which until recently were part of the same community, are now segregated into two. This is not progress, it is regression! Not a single moment nor a single penny should be spent teaching others to hate their country and each other! Your community is urging you to sponsor legislation to end this war on the races by stopping the teaching of critical race theory in all our institutions!

Respectfully,

Concerned, Registered Ohio Voters

From: John Powell
Sent: Monday, May 17, 2021 12:39 PM
To: Rep55; Rep66; Rep88; Rep99; Rep95; Rep79; Rep84; Rep75; Rep86; Rep89; Rep04
Subject: PLEASE.....STOP H.B. 73 in Ohio!

Dear Leaders of our Great State;

PLEASE.....STOP H.B. 73 in Ohio! It reduces learning about American Government and American History in "Ohio High Schools". We are led to believe that American History will be replaced with "Critical Race" Theory. Ohio students need MORE American History, not Marxist propaganda designed to teach them to hate America!

America, is a country that should be "proud" of the many accomplishments it has made (as a "free" country); to build respect and equality for "all", as no other country in the world has. It's not "perfect", it has it's "flaws", but where else are you even allowed to discuss this topic. We are all human...and no other country in the "world" has the diversity of race that the "USA" has. No other country has even "attempted" let alone, 'succeeded' in bringing equality to the forefront, as America has. Because they do not have a voice like we (hopefully) still do...

"Everyone" is equal under "God" according to the Judaeo/Christian ethics, this country was founded on. Nowhere else in the "world" have people of different races and religions learned to get along "better" than in the United States. I believe each "Individual" is important and should have a voice; but H.B. 73 "KILLS" the voice of the ages (good and bad) and forgets that morality, honesty, and caring for your fellow man (or woman) wins out, in the end.....IF!!!!, we are "free" to see and learn from past consequences.

No man is a "God" ,,,

Is this "freedom" fading away with the onslaught of (oppression) tactics like Covid ? Can you believe it... Half the "Specialists" who were "recommending" the (so called) vaccine to Americans would not even take, themselves....what did they know about it? What are they finding out now? Now we are finding out very bad consequences can come over time, due to taking the vaccine.

In the end, it is "NOT" only religion, history, or ethnicity, you are trying to eliminate; it is the "FREEDOM" to make up one's "own" mind about what is morally "right, wrong, or desirable".

Thank you, for reading this, (if you got this far) and I hope and pray we can all come to respect the thoughts of others, and learn from them, but not block them out.

We learn from mistakes, as well as successes.

Overall, the idea of "America" is a success, it can improve, but please don't let critical thinking go by the wayside...Our schools reflect our future.

We all need to "measure twice" and cut once.

Where would we be without "free" thinkers? Still in caves, maybe...

Thanks for taking the time to read this...

God Bless;

John Powell

--

John Powell
9936 William Henry Drive
Streetsboro, Ohio 44241
email: john.powell@neo.rr.com
cell: 330 325 7936
home: 330 552 3818

From: joal104@aol.com
Sent: Monday, May 17, 2021 12:52 PM
To: Rep04
Subject: HR 73

H.B.73 threatens to kill the requirement of Constitutional studies in the Ohio classroom from grades 8-12. Ohio Currently requires the teaching of the Founding Documents of our Republic in all 611 school districts, with an end-of-course exam requirement that assures the subject matter will be taught!

After a 12-year effort, our friends at the Ohio Christian Alliance, along with interested parties in Ohio, urged the 129th General Assembly in 2012 to pass what became known as the Founding of America Documents Curriculum which requires the study of the original texts of The Declaration of Independence, The Northwest Ordinance, The U.S. Constitution with emphasis on The Bill of Rights, The Ohio Constitution, and the Federalist and Anti-Federalist Papers.

IF H.B. 73 WERE TO PASS IT WOULD ELIMINATE THE END-OF-COURSE EXAM REQUIREMENT FOR AMERICAN GOVERNMENT AND AMERICAN HISTORY. TEACHERS AND SCHOOL DISTRICTS WOULD NO LONGER BE REQUIRED TO TEACH THE SUBJECTS. PLEASE STOP THIS!

We need to stop anything that could lead to Critical Race Theory!!!

Donna Hess

Dayton, OH

From: pengstc@hotmail.com
Sent: Monday, May 17, 2021 2:38 PM
To: Rep95
Subject: say no to HR 73

First Name: lilly
Last Name: peng
Email: pengstc@hotmail.com
Address:
7646 pleasant colony ct
lewis center, OH 43035

Subject: say no to HR 73

Message: As an immigrant from socialism China, I do not feel any systematic racism. We do not need the BLM trash. All lives matter including the Asian, including police officers. We do not discriminate color, we do disrespect the ones who sleep on welfare, being lazy, commit crime and fail law and order. Hard working is the core of the country. We do not need critical race theory which only further divide the country. We need to teach our children more on American Government and American History. Please say no to HR 73

From: Stephen Dellinger
Sent: Monday, May 17, 2021 7:26 PM
To: Rep95
Subject: HB 73

Don Jones

H.B. 73 threatens to kill the requirement of Constitutional studies in the Ohio classroom from grades 8-12. Ohio currently requires the teaching of the Founding Documents of our republic in all Ohio school districts, with an end-of-course exam requirement that assures the subject matter will be taught.

After a 12-year effort, our friends at the Ohio Christian Alliance, along with interested parties in Ohio, urged the 129th General Assembly in 2012 to pass what became known as the Founding of America Documents Curriculum which requires the study of the original texts of the Declaration of Independence, The Northwest Ordinance, The U.S. Constitution with emphasis on The Bill of Rights, The Ohio Constitution, and the Federalist and Anti-Federalist Papers.
The students need MORE American History and American Government NOT LESS.

Do not try to replace American History and American Government with critical race theory. Ohio students need MORE American History, not Marxist propaganda designed to teach them to hate America. What was the Civil Rights movement for if you are going back to teaching people to hate each other?

Regards

Steve and Jean Dellinger

From: D B
Sent: Monday, May 17, 2021 8:08 PM
To: Rep95
Subject: Please STOP HB 73. Thank you.

Dear Representative Jones,

Please oppose H.B. 73.

In general, I believe that, ultimately, it is up to parents to educate their children as they see fit. But clearly, we will never return to those days.

Thus, conceding that the state will always have a hand in education, it is then imperative that the state exercises good stewardship in this regard. And we have learned that it is the nature of the educational bureaucracy, teachers' unions, and other activist, to seize upon every opportunity to interject their own ideals where no set standards exist. Thus, the state is left with no alternative but to devise and enforce clear and specific real-history-based and real-science-based standards.

H.B. 73 seeks to remove some of those standards. This will leave a vacuum that, I suspect, will be filled with nonsense and lies, such as critical race theory. This cannot be allowed to happen.

Thank you,

David Bonnette
638 Mayfield Ct
Amherst, OH 44001
216 273-6441

"And [God] hath made of one blood all nations of men for to dwell on all the face of the earth, and hath determined the times before appointed, and the bounds of their habitation..." Acts 17:26

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

Mr. Speaker and Colleagues,
Please find attached documents related to the teaching of Critical Race Theory in Ohio and as proposed by the new federal administration.
If I forgot anything please let me know and I will try to get it to you.
Sincerely,
Sarah Fowler Arthur

1. Ohio Strategic Plan for Education and several infographics and summaries
2. July 2020, State Board of Education Resolution #20, which was approved over the protests of elected republican members at nearly 11pm the last night of the meeting
3. The Biden Administration proposal for an American History & Civics Education grant:
<https://www.federalregister.gov/documents/2021/04/19/2021-08068/proposed-priorities-american-history-and-civics-education>
<https://www.washingtontimes.com/news/2021/apr/21/biden-administration-offers-grants-teach-children/>
4. A concise (5 minutes) summary of Critical Race Theory from Dr. Voddie Baucham (Dean of Theological Education, African Christian University):
<https://www.youtube.com/watch?v=zPpVTEZ7z3A>
5. A slightly longer (15 minutes) and more detailed explanation about 1619 project and CRT:
<https://www.youtube.com/watch?v=xuSMvIVtd0A>
6. Other states taking action on CRT and examples:

Idaho HB 377 enacted 4.29.21 (copy attached)
<https://legislature.idaho.gov/sessioninfo/2021/legislation/h0377/>

Oklahoma HB 1775 passed and sent to Gov. on 5.4.21 (copy attached)
<https://legiscan.com/OK/bill/HB1775/2021>

This article gives a summary of action in Texas with embedded links to SB2202 and HB3979 which are in process.
<https://www.texastribune.org/2021/05/05/texas-critical-race-theory-schools-legislature/>

Arizona SB 1532 article with embedded link - bill in process (copy attached)
<https://thepostmillennial.com/arizona-state-house-passes-a-bill-banning-critical-race-theory-in-public-schools>

Arkansas SB 627 (copy attached)
Enrolled and delivered to Gov. to sign 4.27.21.
Gov. allowed the bill to become law without his signature.
<https://legiscan.com/AR/bill/SB627/2021>

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

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

SEC. 8526A.

[
20 U.S.C. 7906a

]
PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

(a)

I
N

GENERAL

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

(b)

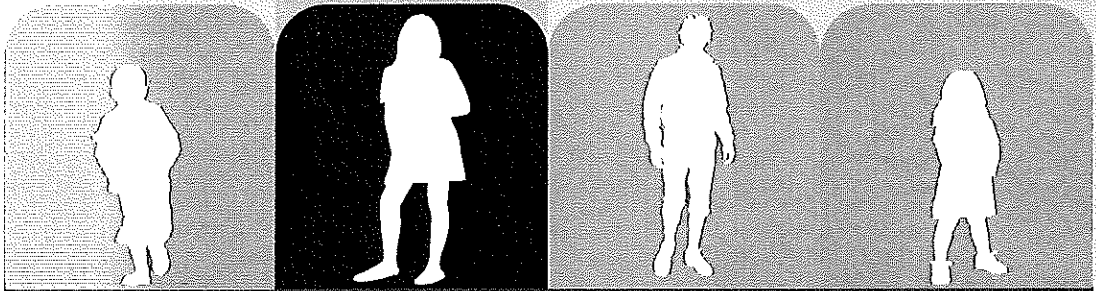
FINANCIAL SUPPORT

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

State Standards developed under the Common Core State Standards Initiative, any other academic standards common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards).

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

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



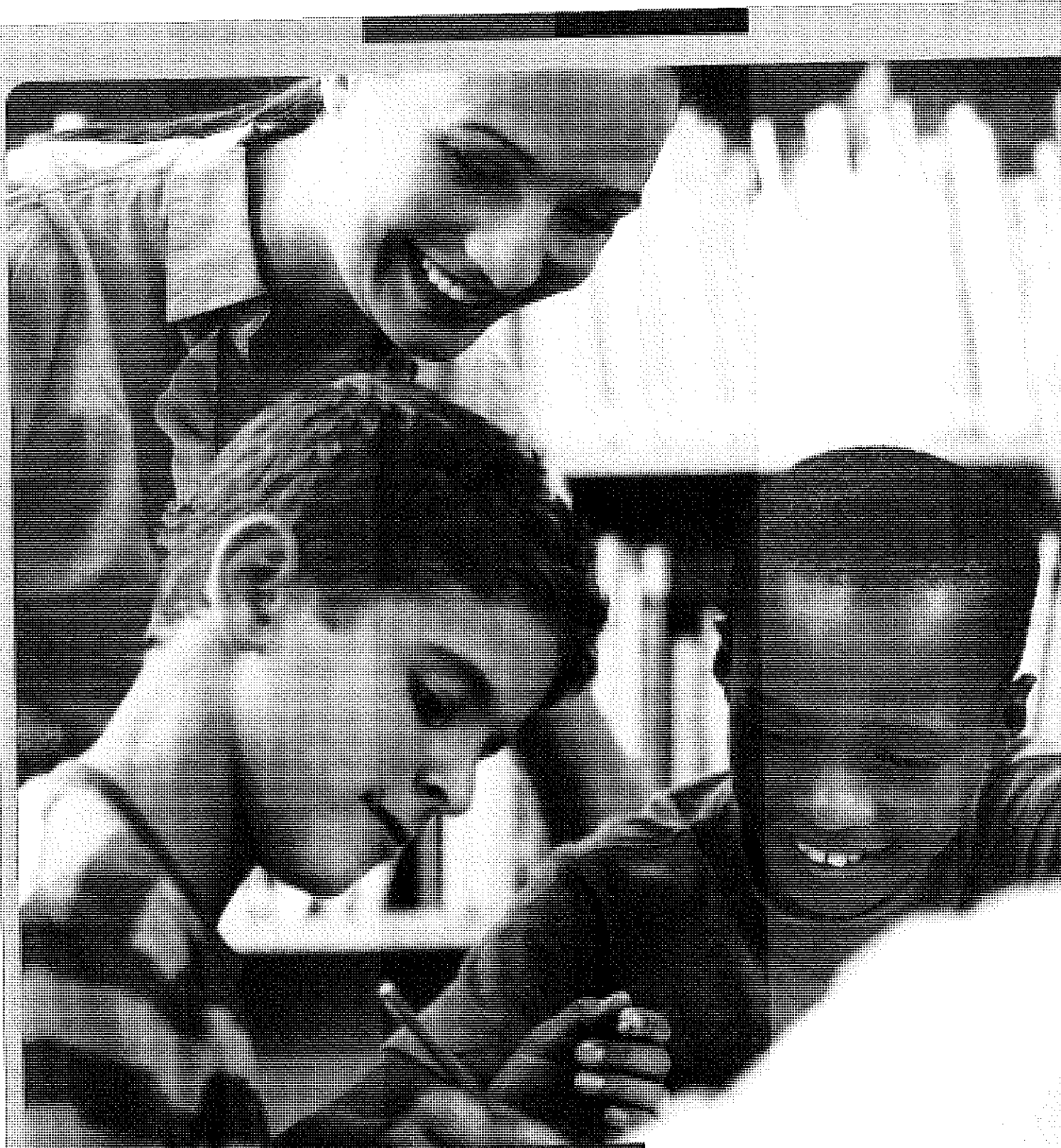
Each Child Our Future

Ohio Strategic Plan For Education: 2019-2024



Built by Ohioans,
for Ohioans.

Ohio | Department
of Education



#EachChildOurFuture

In Ohio, each child is child. We need every child's talent, passion and potential.

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Introduction

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

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

Each Child, Our Future. Why Now?

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

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

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

² 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>

³ 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>

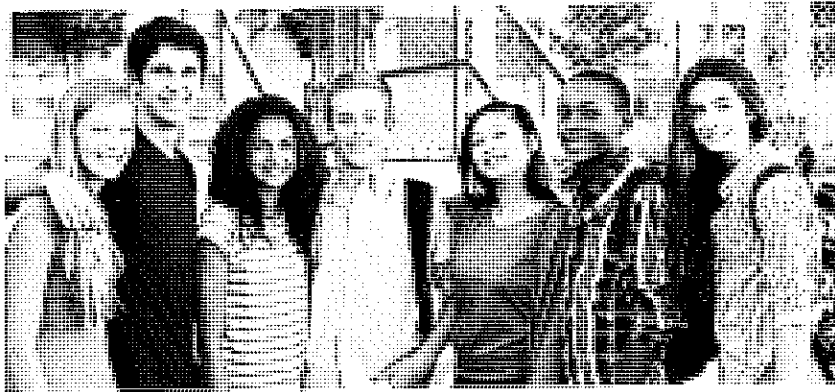
⁴ Public Children Services Association of Ohio: PCSAO Factbook, 13th Edition 2017; <http://www.pcsao.org/pdf/factbook/2017/PCSAOFactbook.pdf>

Ohio's Education Landscape

Our Students

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

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

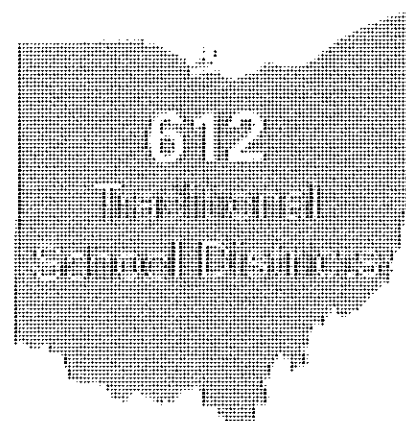


Change in Size of Selected Student Groups 2003-2013	
+135%	Homeless +13,471 Students
+113%	Hispanic +51,340 Students
+61%	Asian or Pacific Islander +15,806 Students
+50%	English Learners +17,511 Students
+46%	Multiracial +26,994 Students
+27%	Economically Disadvantaged* +179,443 Students
-3%	Black, Non-Hispanic -8,669 Students
-13%	White, Non-Hispanic -169,249 Students

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

Our Districts and Schools

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



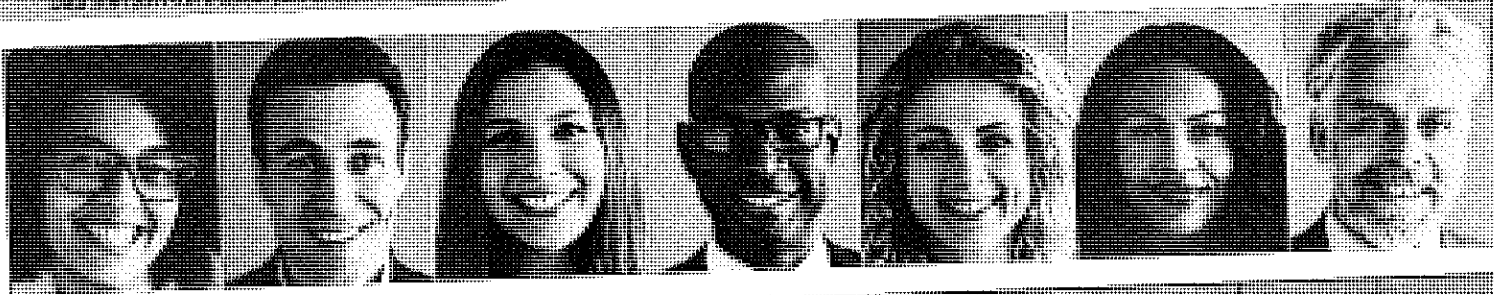
Our Districts and Schools

Data from 2017-2018 school year unless noted.

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

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

Our Educators



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

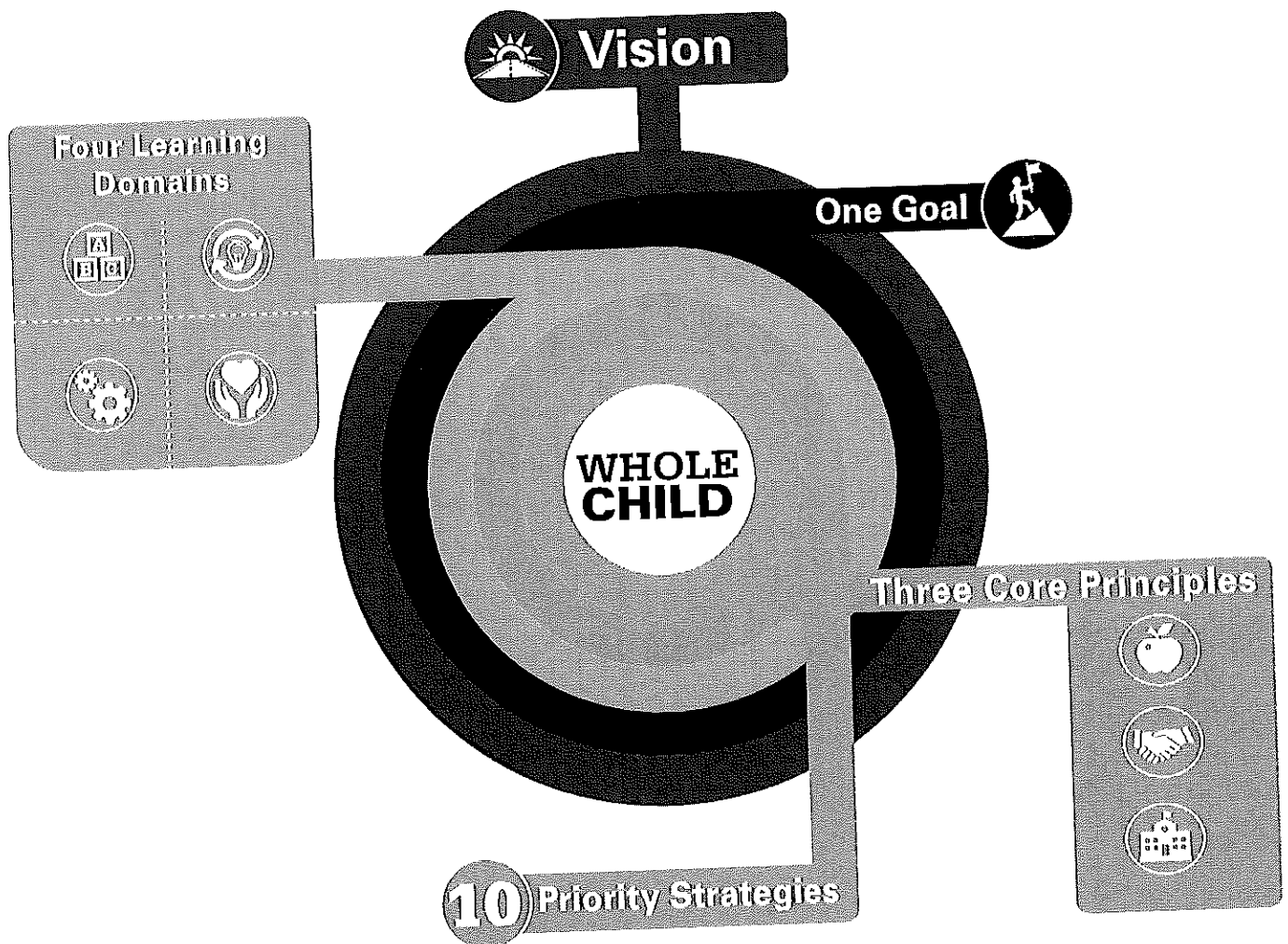
Teacher Race and Ethnicity	Educators	Percent
All Teachers	108,615	100%
American Indian or Alaskan Native	54	<0.1%
Asian or Pacific Islander	514	0.5%
Black, Non-Hispanic	4,301	4.0%
Hispanic	740	0.7%
White, Non-Hispanic	100,399	92.4%
Multiracial	210	0.2%
Not Specified	2,398	2.2%

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

Educators in Early Career Mentoring	Educators
Resident Educator Program Participants	19,050

Plan Components

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

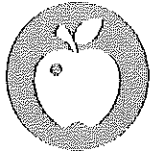


Supporting the Whole Child

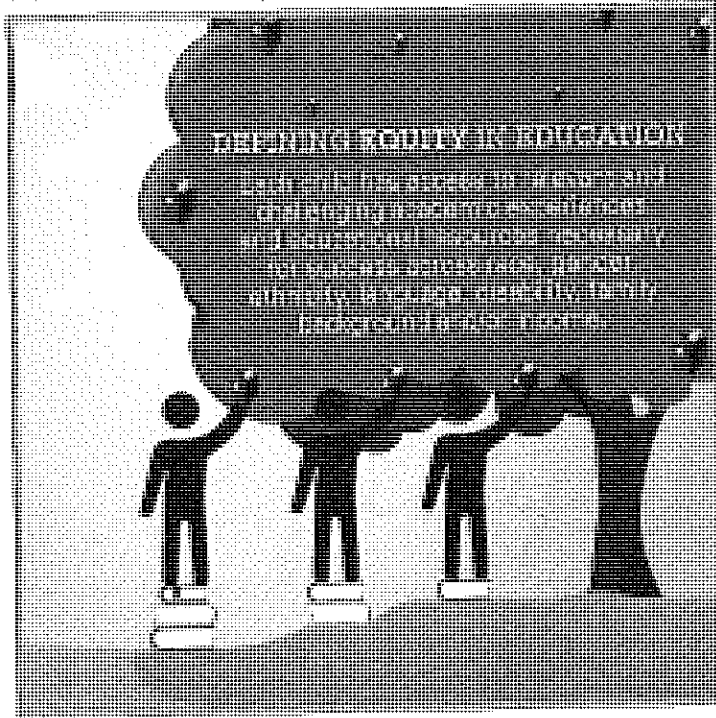
Ohio can only reach success by meeting the needs of the **whole child**. The time a child spends in school is precious and should ensure all aspects of a child's well-being are addressed, including the physical, social, emotional and intellectual aspects. Each plan component works harmoniously to support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

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

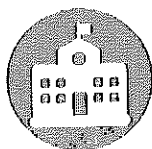
Three Core Principles



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



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



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

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

⁷ Macneil, A. J., Prater, D. L., & Busch, S. (2009). The effects of school culture and climate on student achievement. *International Journal of Leadership in Education*, 12(1), 73-84. doi:10.1080/13603120701576241

Vision

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

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



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



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



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



One Goal

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

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

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



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



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



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



Four Equal Learning Domains

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

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

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



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

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



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



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



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

⁸Corcoran and Smith, 2009. <http://doi.org/10.1177/0002700908320007>



10 Priority Strategies

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

Excellent Educators and Instructional Practices

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

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

STRATEGY 1

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

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

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



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

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

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

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

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

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

STRATEGY 2

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

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

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

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

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

STRATEGY 3

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

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

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



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



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



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

Standards, Assessments and Accountability

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

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

STRATEGY 4

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

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

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

STRATEGY 5

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

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

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

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

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

STRATEGY 6

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

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

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





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



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



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

Student Supports and School Climate and Culture

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

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

STRATEGY 7

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

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

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

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

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

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

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

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

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

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



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



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



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

Early Learning and Literacy

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

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

STRATEGY 8

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

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

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

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

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

STRATEGY 9

Develop literacy skills across all ages, grades and subjects.

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

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

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



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



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



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



High School Success and Postsecondary Connections

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

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

STRATEGY 10

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

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

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

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

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

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

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

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



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



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



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



Implementing Each Child, Our Future

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

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

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

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

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

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

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

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

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

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

Appendix

Glossary

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Framework for Attributes of a High School Graduate

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

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

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

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

Direction from the State Board of Education

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

MEETING THE LEARNING NEEDS AND ASPIRATIONS OF ALL STUDENTS.

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

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

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

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

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

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

FOSTERING ENGAGING, SUPPORTIVE SCHOOLS THAT MAXIMIZE STUDENT LEARNING.

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

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

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

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

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

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

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

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

Partners Who Contributed to the Development of the Plan

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

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
Susan Cosmo, Ohio Department of Education
Robert Davis, Ohio Education Association
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Jennifer Stump, Ohio Department of Education
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Christopher Woolard, Ohio Department of Education
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.

EXCELLENT EDUCATORS AND INSTRUCTIONAL PRACTICES

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 Rhonda Hanks, Dublin City Schools

Meryl Johnson, State Board of Education
 Senator Stephanie Kunze, Ohio Senate
 Kevin Lorson, Wright State University
 Jami Luggen, The Oyster School
 Charlotte McGuire, State Board of Education
 Dr. Antoinette Miranda, State Board of Education
 John Mullaney, Nord Family Foundation
 Sarah Puckett, Independent Education Consultant
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EARLY LEARNING AND LITERACY

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Each Child Our Future

Ohio Strategic Plan for Higher Education: 2019-2024

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#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 lifelong path with self-fulfilling and meaningful careers, and empowered to become a leader, thriving because you contribute to society.*

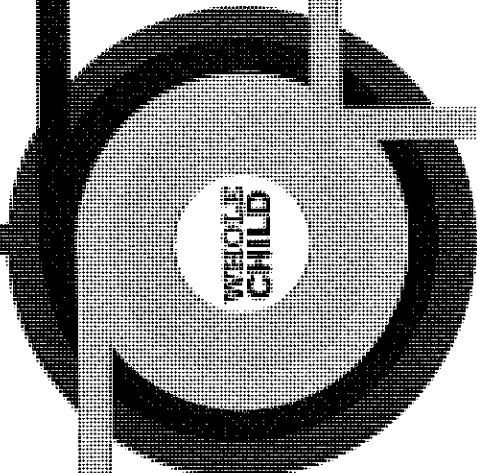
Four Learning Domains

- 1. **Language Arts** - Literacy, Communication, Critical Thinking
- 2. **Mathematics** - Numeracy, Problem Solving, Data Analysis
- 3. **Science** - Inquiry, Critical Thinking, Problem Solving
- 4. **Social Studies** - Civics, History, Geography

One Goal

Each child is *challenged to discover and learn, prepared to pursue a lifelong path with self-fulfilling and meaningful careers, and empowered to become a leader, thriving because you contribute to society.*

- Graduated and empowered in a post-high school learning environment, including an early career pathway or workforce preparation program, and/or an apprenticeship program
- Prepared to address economic, social, and environmental challenges
- Engaged in lifelong learning or
- Engaged in a meaningful, self-fulfilling, and meaningful vocation



Three Core Principles

- 1. **Equity**
- 2. **Partnership**
- 3. **Quality Schools**

10 Priority Strategies

1. **Early Childhood** - High-quality early childhood education and care
2. **Elementary** - High-quality elementary education
3. **Secondary** - High-quality secondary education
4. **Postsecondary** - High-quality postsecondary education
5. **Workforce** - High-quality workforce development
6. **Adult Education** - High-quality adult education
7. **Technical Education** - High-quality technical education
8. **Apprenticeship** - High-quality apprenticeship
9. **Entrepreneurship** - High-quality entrepreneurship
10. **Leadership** - High-quality leadership

Ohio Strategic Plan For Education: 2019-2024



Each Child Our Future



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 partners¹ who came to the table ready to identify the most impactful solutions for student success.

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

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

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

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

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

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

¹In 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



Academic Knowledge and Skills
 Literacy, mathematics, science, social studies, and foreign languages



Career and Technical Education
 Career and technical education, including dual enrollment and workforce preparation



Physical Education and Health
 Physical education, health, and wellness

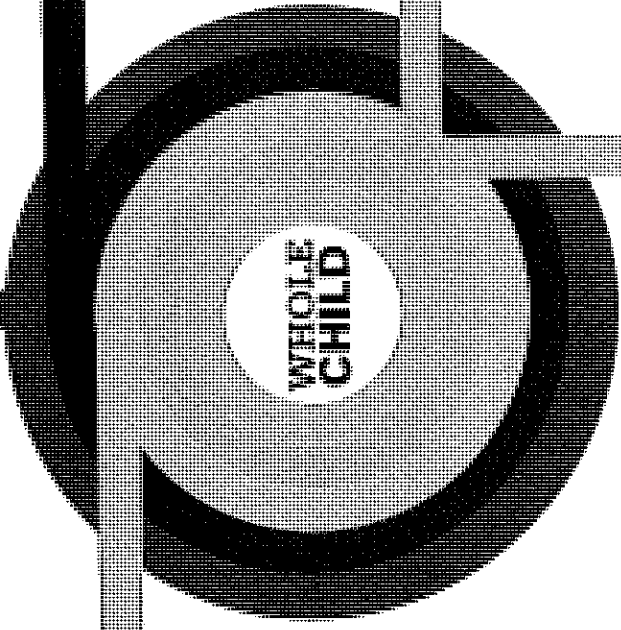


Arts and Music
 Visual arts, performing arts, and music

One Goal

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

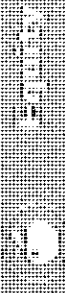
- Enrolled and succeeding in a post-high school learning experience, including an adult career/technical education program, an apprenticeship, or a two-year or four-year college program;
- Employed in a full-time, permanent;
- Enrolled in a college, university;
- Enrolled in a master's, doctoral, non-credit-based vocational



10 Priority Strategies

1. **Improve Instruction** - Enhance teacher effectiveness and support
2. **Improve Learning** - Increase student engagement and learning outcomes
3. **Expand Career and Technical Education** - Increase enrollment and success in career and technical education
4. **Strengthen Local Learning Communities** - Increase collaboration and support among schools, community organizations, and businesses
5. **Expand Early Childhood Education** - Increase enrollment and quality of early childhood education
6. **Expand Postsecondary Education** - Increase enrollment and success in postsecondary education
7. **Expand Workforce Development** - Increase enrollment and success in workforce development programs
8. **Expand Adult Education** - Increase enrollment and success in adult education programs
9. **Expand English Language Learning** - Increase enrollment and success in English language learning programs
10. **Expand Special Education** - Increase enrollment and success in special education programs

Three Core Principles



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

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

Proposed Priorities-American History and Civics Education

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

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

Read the 22475 public comments 

DOCUMENT DETAILS

Printed version:

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

Publication Date:

04/19/2021 ([documents/2021/04/19](#))

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Dates:

We must receive your comments on or before May 19, 2021.

Comments Close:

05/19/2021

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[Feedback](#)

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ENHANCED CONTENT

regulations.gov

Docket Number:

ED-2021-OESE-0033 (<https://beta.regulations.gov/docket/ED-2021-OESE-0033>)

Supporting/Related Materials:

Proposed Priorities: American History and Civics Education (<https://www.regulations.gov/document?D=ED-2021-OESE-0033-0001>)

ENHANCED CONTENT

PUBLISHED DOCUMENT

AGENCY:

Office of Elementary and Secondary Education, Department of Education.

ACTION:

Proposed priorities.

SUMMARY:

The Department of Education (Department) proposes two priorities for the American History and Civics Education programs, including the Presidential and Congressional Academies for American History and Civics (Academies) and National Activities programs, Assistance Listing Numbers 84.422A and 84.422B. We may use these priorities for competitions in fiscal year (FY) 2021 and later years. We propose these priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under these programs.

DATES:

We must receive your comments on or before May 19, 2021.

ADDRESSES:

Submit your comments through the Federal eRulemaking Portal or via postal mail, commercial delivery, or hand delivery. We will not accept comments submitted by fax or by email or those submitted after the comment period. To ensure that we do not receive duplicate copies, please submit your comments only once. In addition, please include the Docket ID at the top of your comments.

- *Federal eRulemaking Portal:* Go to www.regulations.gov (<http://www.regulations.gov>) to submit your comments electronically. Information on using *Regulations.gov*, including instructions for

accessing agency documents, submitting comments, and viewing the docket, is available on the site under "FAQ."

- *Postal Mail, Commercial Delivery, or Hand Delivery:* If you mail or deliver your comments about the proposed priorities, address them to Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202.

Privacy Note: The Department's policy is to make all comments received from members of the public available for public viewing in their entirety on the Federal eRulemaking Portal at www.regulations.gov (<http://www.regulations.gov>). Therefore, commenters should be careful to include in their comments only information that they wish to make publicly available.

FOR FURTHER INFORMATION CONTACT:

Mia Howerton, U.S. Department of Education, 400 Maryland Avenue SW, Room 3C152, Washington, DC 20202. Telephone: (202) 205-0147. Email: mia.howerton@ed.gov (<mailto:mia.howerton@ed.gov>).

If you use a telecommunications device for the deaf (TDD) or a text telephone (TTY), call the Federal Relay Service (FRS), toll-free, at 1-800-877-8339.

SUPPLEMENTARY INFORMATION:

Invitation to Comment: We invite you to submit comments regarding the proposed priorities. To ensure that your comments have maximum effect in developing the notice of final priorities, we urge you to clearly identify the specific section of the proposed priorities that each comment addresses.

We invite you to assist us in complying with the specific requirements of Executive Orders 12866 and 13563 and their overall requirement of reducing regulatory burden that might result from the proposed priorities. Please let us know of any further ways we could reduce potential costs or increase potential benefits while preserving the effective and efficient administration of our programs.

During and after the comment period, you may inspect all public comments about the proposed priorities by accessing [Regulations.gov](http://www.regulations.gov). Due to the novel coronavirus 2019 (COVID-19) pandemic, the Department buildings are currently not open to the public. However, upon reopening you may also inspect the comments in person in Room 3C152, 400 Maryland Avenue SW, Washington, DC, between the hours of 8:30 a.m. and 4:00 p.m., Eastern time, Monday through Friday of each week except Federal holidays.

Assistance to Individuals With Disabilities in Reviewing the Rulemaking Record: On request, we will provide an appropriate accommodation or auxiliary aid to an individual with a disability who needs assistance to review the comments or other documents in the public rulemaking record for the proposed priorities. If you want to schedule an appointment for this type of accommodation or auxiliary aid, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

Start Printed
Page 20349

Purpose of Programs: The American History and Civics Education programs support efforts to improve: (1) The quality of American history, civics, and government education by educating students about the history and principles of the Constitution of the United States, including the Bill of Rights; and (2) the quality of the teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history.

The Academies program supports the establishment of: (1) Presidential Academies for the Teaching of American History and Civics that offer workshops for both veteran and new teachers to strengthen their knowledge of American history, civics, and government education (Presidential Academies); and (2) Congressional Academies for Students of American History and Civics that provide high school students opportunities to enrich their understanding of these subjects (Congressional Academies).

The purpose of the National Activities program is to promote new and existing evidence-based strategies to encourage innovative American history, civics and government, and geography instruction, learning strategies, and professional development activities and programs for teachers, principals, or other school leaders, particularly such instruction, strategies, activities, and programs that benefit low-income students and underserved populations.

Program Authority: Title II, part B, subpart 3 of the Elementary and Secondary Education Act of 1965, as amended (ESEA), 20 U.S.C. 6662 (<https://www.govinfo.gov/link/uscode/20/6662?type=usc&year=mostrecent&link-type=html>) and 6663.

Proposed Priorities: The Department proposes two priorities to support the development of culturally responsive teaching and learning and the promotion of information literacy skills in grants under the American History and Civics Education programs.

Proposed Priority 1—Projects That Incorporate Racially, Ethnically, Culturally, and Linguistically Diverse Perspectives into Teaching and Learning.

Background: The Department recognizes that COVID-19—with its disproportionate impact on communities of color—and the ongoing national reckoning with systemic racism have highlighted the urgency of improving racial equity throughout our society, including in our education system. As Executive Order 13985 (/executive-order/13985) states: “Our country faces converging economic, health, and climate crises that have exposed and exacerbated inequities, while a historic movement for justice has highlighted the unbearable human costs of systemic racism. Our Nation deserves an ambitious whole-of-government equity agenda that matches the scale of the opportunities and challenges that we face.”^[1]

American History and Civics Education programs can play an important role in this critical effort by supporting teaching and learning that reflects the breadth and depth of our Nation's diverse history and the vital role of diversity in our Nation's democracy. For example, there is growing acknowledgement of the importance of including, in the teaching and learning of our country's history, both the consequences of slavery, and the significant contributions of Black Americans to our society. This acknowledgement is reflected, for example, in the New York Times' landmark “1619 Project” and in the resources of the Smithsonian's National Museum of African American History.^[2]

Accordingly, schools across the country are working to incorporate anti-racist practices into teaching and learning. As the scholar Ibram X. Kendi has expressed, “[a]n antiracist idea is any idea that suggests the racial groups are equals in all their apparent differences—that there is nothing right or wrong with any racial group. Antiracist ideas argue that racist policies are the cause of racial inequities.”^[3] It is critical that the teaching of American history and civics creates learning experiences that validate and reflect the diversity, identities, histories, contributions, and experiences of all students.

In turn, racially, ethnically, culturally, and linguistically responsive teaching and learning practices contribute to what has been called an “identity-safe” learning environment. According to the authors Dorothy Steele and Becki Cohn-Vargas, “Identity safe classrooms are those in which teachers strive to assure students that their social identities are an asset rather than a barrier to success in the classroom. And, through strong positive relationships and opportunities to learn, they feel they are welcomed, supported, and valued as members of the learning community.” [4]

The proposed priority would support projects that incorporate culturally and linguistically responsive learning environments.

Proposed Priority:

Under this priority, the applicants propose projects that incorporate teaching and learning practices that reflect the diversity, identities, histories, contributions, and experiences of all students create inclusive, supportive, and identity-safe learning environments.

In its application, an applicant addressing this priority must describe how its proposed project incorporates teaching and learning practices that—

- (a) Take into account systemic marginalization, biases, inequities, and discriminatory policy and practice in American history;
- (b) Incorporate racially, ethnically, culturally, and linguistically diverse perspectives and perspectives on the experience of individuals with disabilities;
- (c) Encourage students to critically analyze the diverse perspectives of historical and contemporary media and its impacts;
- (d) Support the creation of learning environments that validate and reflect the diversity, identities, and experiences of all students; and
- (e) Contribute to inclusive, supportive, and identity-safe learning environments.

Proposed Priority 2—Promoting Information Literacy Skills.

Background:

Effective civics education is vital to protecting the Nation's democracy—especially at a time when its core institutions and values are threatened by misinformation. As *The Power of Active Citizenship* notes: “Teaching civics should be more than just understanding the structures and functions of government . . . [It] is crucial that students learn how to gather and evaluate sources of information, and then use evidence from that information to develop and support their ideas and advocacy positions. No polity can make wise decisions if its citizens do not know how to separate □ fact from opinion, and how to gather and weigh relevant evidence.” [5]

Ensuring that students have strong information literacy skills is especially important in an age of digital media consumption. According to a 2019 survey from Common Sense Media and Survey Monkey: “Teens get their news more frequently from social media sites (e.g., Facebook and Twitter) or from YouTube than directly from news organizations. More than half of teens (54%) get news from social media, and 50% get

news from YouTube at least a few times a week. Fewer than half, 41%, get news reported by news organizations in print or online at least a few times a week, and only 37% get news on TV at least a few times a week." Among teens who got their news from YouTube, two-thirds reported learning about the news from celebrities and influencers, rather than news organizations.^[6]

In a 2017 report, the Brookings Institution concluded that, "Funding efforts to enhance news literacy should be a high priority for governments. This is especially the case with people who are going online for the first time. For those individuals, it is hard to distinguish false from real news, and they need to learn how to evaluate news sources, not accept at face value everything they see on social media or digital news sites. Helping people become better consumers of online information is crucial as the world moves towards digital immersion."^[7]

Civics education can be an opportunity to help students develop the skills necessary to meaningfully participate in our democracy and distinguish fact from misinformation. Well-designed programs can fuel student engagement in our democracy and provide students with the knowledge and skills to critically evaluate the materials they encounter by developing their information literacy.

Proposed Priority:

In its application, the applicants propose projects that describe how they will foster critical thinking and promote student engagement in civics education through professional development or other activities designed to support students in—

- (a) Evaluating sources and evidence using standards of proof;
- (b) Understanding their own biases when reviewing information, as well as uncovering and recognizing bias in primary and secondary sources;
- (c) Synthesizing information into cogent communications; and
- (d) Understanding how inaccurate information may be used to manipulate individuals, and developing strategies to recognize accurate and inaccurate information.

Types of Priorities:

When inviting applications for a competition using one or more priorities, we designate the type of each priority as absolute, competitive preference, or invitational through a notice in the **Federal Register**. The effect of each type of priority follows:

Absolute priority: Under an absolute priority, we consider only applications that meet the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(3)).

Competitive preference priority: Under a competitive preference priority, we give competitive preference to an application by (1) awarding additional points, depending on the extent to which the application meets the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(2)(i)); or (2) selecting an application that meets the priority over an application of comparable merit that does not meet the priority (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(2)(ii)).

Invitational priority: Under an invitational priority we are particularly interested in applications that meet the priority. However, we do not give an application that meets the priority a preference over other applications (34 CFR 75.105 (/select-citation/2021/04/19/34-CFR-75.105)(c)(1)).

Final Priorities:

We will announce the final priorities in a document published in the **Federal Register**. We will determine the final priorities after considering responses to the proposed priorities and other information available to the Department. This document does not preclude us from proposing additional priorities, requirements, definitions, or selection criteria, subject to meeting applicable rulemaking requirements.

Note:

This document does *not* solicit applications. In any year in which we choose to use the priorities, we invite applications through a notice inviting applications in the **Federal Register**.

Executive Orders 12866 and 13563

Regulatory Impact Analysis

Under Executive Order 12866, it must be determined whether this regulatory action is “significant” and, therefore, subject to the requirements of the Executive order and subject to review by the Office of Management and Budget (OMB). Section 3(f) of Executive Order 12866 defines a “significant regulatory action” as an action likely to result in a rule that may—

- (1) Have an annual effect on the economy of \$100 million or more, or adversely affect a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, or Tribal governments or communities in a material way (also referred to as an “economically significant” rule);
- (2) Create serious inconsistency or otherwise interfere with an action taken or planned by another agency;
- (3) Materially alter the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or
- (4) Raise novel legal or policy issues arising out of legal mandates, the President's priorities, or the principles stated in the Executive order.

This proposed regulatory action is not a significant regulatory action subject to review by OMB under section 3(f) of Executive Order 12866.

We have also reviewed this proposed regulatory action under Executive Order 13563, (/executive-order/13563) which supplements and explicitly reaffirms the principles, structures, and definitions governing regulatory review established in Executive Order 12866. To the extent permitted by law, Executive Order 13563 (/executive-order/13563) requires that an agency—

- (1) Propose or adopt regulations only on a reasoned determination that their benefits justify their costs (recognizing that some benefits and costs are difficult to quantify);

(2) Tailor its regulations to impose the least burden on society, consistent with obtaining regulatory objectives and taking into account—among other things and to the extent practicable—the costs of cumulative regulations;

(3) In choosing among alternative regulatory approaches, select those approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity);

(4) To the extent feasible, specify performance objectives, rather than the behavior or manner of compliance a regulated entity must adopt; and

(5) Identify and assess available alternatives to direct regulation, including economic incentives—such as user fees or marketable permits—to encourage the desired behavior, or provide information that enables the public to make choices.

Executive Order 13563 (/executive-order/13563) also requires an agency “to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible.” The Office of Information and Regulatory Affairs of OMB has emphasized that these □ techniques may include “identifying changing future compliance costs that might result from technological innovation or anticipated behavioral changes.”

□ Start Printed
Page 20351

We are issuing the proposed priorities only on a reasoned determination that their benefits would justify their costs. In choosing among alternative regulatory approaches, we selected those approaches that would maximize net benefits. Based on an analysis of anticipated costs and benefits, we believe that the proposed priorities are consistent with the principles in Executive Order 13563 (/executive-order/13563).

We also have determined that this regulatory action does not unduly interfere with State, local, and Tribal governments in the exercise of their governmental functions.

In accordance with the Executive orders, the Department has assessed the potential costs and benefits, both quantitative and qualitative, of this regulatory action. The potential costs are those resulting from statutory requirements and those we have determined as necessary for administering the Department's programs and activities.

Potential Costs and Benefits

The Department believes that this proposed regulatory action would not impose significant costs on eligible entities, whose participation in our programs is voluntary, and costs can generally be covered with grant funds. As a result, the proposed priorities would not impose any particular burden except when an entity voluntarily elects to apply for a grant. The proposed priorities would help ensure that the American History and Civics Education programs support the development of culturally responsive teaching and learning practices and promote students' acquisition of critical information literacy skills. We believe these benefits would outweigh any associated costs.

Clarity of the Regulations

Executive Order 12866 and the Presidential memorandum “Plain Language in Government Writing” require each agency to write regulations that are easy to understand.

The Secretary invites comments on how to make the proposed priorities easier to understand, including answers to questions such as the following:

- Are the requirements in the proposed regulations clearly stated?
- Do the proposed regulations contain technical terms or other wording that interferes with their clarity?
- Does the format of the proposed regulations (grouping and order of sections, use of headings, paragraphing, etc.) aid or reduce their clarity?
- Would the proposed regulations be easier to understand if we divided them into more (but shorter) sections?
- Could the description of the proposed regulations in the **SUPPLEMENTARY INFORMATION** section of this preamble be more helpful in making the proposed regulations easier to understand? If so, how?
- What else could we do to make the proposed regulations easier to understand?

To send any comments that concern how the Department could make the proposed priorities easier to understand, see the instructions in the **ADDRESSES** section.

Intergovernmental Review: These programs are subject to Executive Order 12372 and the regulations in 34 CFR part 79 (/select-citation/2021/04/19/34-CFR-79). One of the objectives of the Executive order is to foster an intergovernmental partnership and a strengthened federalism. The Executive order relies on processes developed by State and local governments for coordination and review of proposed Federal financial assistance.

This document provides early notification of our specific plans and actions for these programs.

Regulatory Flexibility Act Certification

The Secretary certifies that this proposed regulatory action would not have a significant economic impact on a substantial number of small entities. The U.S. Small Business Administration Size Standards define proprietary institutions as small businesses if they are independently owned and operated, are not dominant in their field of operation, and have total annual revenue below \$7,000,000. Nonprofit institutions are defined as small entities if they are independently owned and operated and not dominant in their field of operation. Public institutions are defined as small organizations if they are operated by a government overseeing a population below 50,000.

The small entities that this proposed regulatory action would affect are institutions of higher education and nonprofit organizations. Of the impacts we estimate accruing to grantees or eligible entities, all are voluntary and related mostly to an increase in the number of applications prepared and submitted annually for competitive grant competitions. Therefore, we do not believe that the proposed priorities would significantly impact small entities beyond the potential for increasing the likelihood of their applying for, and receiving, competitive grants from the Department.

Paperwork Reduction Act

The proposed priorities contain information collection requirements that are approved by OMB under OMB control number 1894-0006; the proposed priorities do not affect the currently approved data collection.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format

(txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

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Ruth Ryder,

Deputy Assistant Secretary for Policy and Programs, Office of Elementary and Secondary Education.

Footnotes

1. 86 FR 7009 (/citation/86-FR-7009) (Jan. 25, 2021), www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government (<http://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government>).

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2. www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html (<http://www.nytimes.com/interactive/2019/08/14/magazine/1619-america-slavery.html>).

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3. Kendi, Ibram X, *How to Be an Antiracist* (New York, One World, 2019).

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4. Steele, Dorothy M., and Becki Cohn-Vargas, *Identify Safe Classrooms* (Thousand Oaks, Corwin, 2013).

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6. <https://www.common sense media.org/about-us/news/press-releases/new-survey-reveals-teens-get-their-news-from-social-media-and-youtube> (<https://www.common sense media.org/about-us/news/press-releases/new-survey-reveals-teens-get-their-news-from-social-media-and-youtube>).

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7. Brookings Institution, 12/18/2017, <https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/> (<https://www.brookings.edu/research/how-to-combat-fake-news-and-disinformation/>).

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[FR Doc. 2021-08068 (/a/2021-08068) Filed 4-16-21; 8:45 am]

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SOCIAL STUDIES

Biden Administration Cites 1619 Project as Inspiration in History Grant Proposal



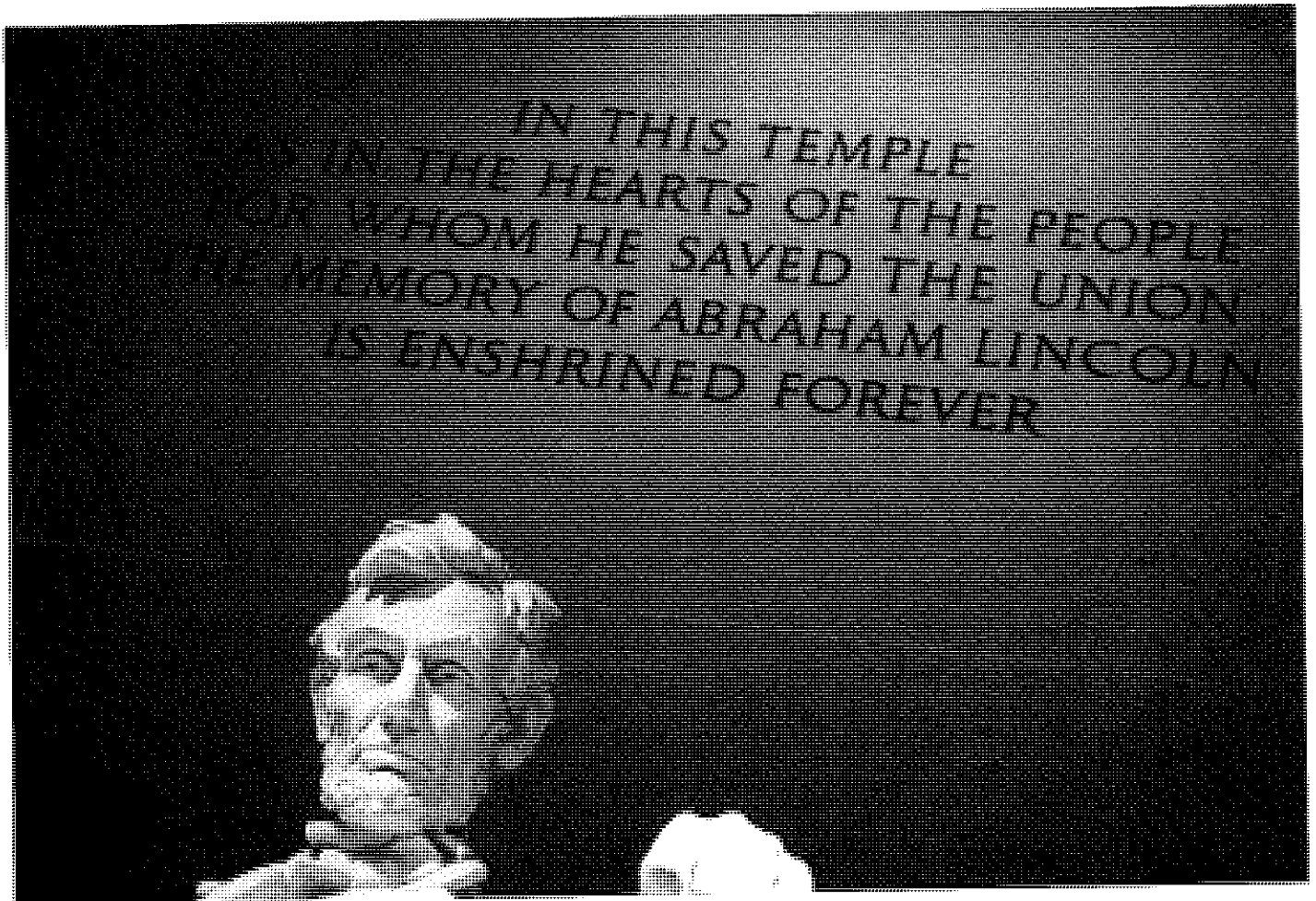
By [Andrew Ujifusa](#) — April 19, 2021 | Corrected: May 03, 2021  6 min read

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The statue of President Abraham Lincoln is seen at the Lincoln Memorial on June 4, 2017 in Washington.
— Cliff Owen/AP



Corrected: This article has been corrected to include an accurate reference to the American History and Civics Education Academies program.

The Biden administration wants a grant program for history and civics education to prioritize instruction that accounts for bias, discriminatory policies in America, and the value of diverse student perspectives.

In describing the basis for the new grant priority for American History and Civics Education programs, the administration cites the scholar and anti-racism activist Ibram X. Kendi, as well as the 1619 Project, a New York Times Magazine project that highlights slavery and its legacy as a central element in America's story.

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students,” the April 19 notice in the Federal Register states.

SEE ALSO

OPINION

**Black
History Is
About
More Than
Oppression
(Opinion)**



The department is also proposing to make information literacy a priority for the civics and history grant program.

The proposed grant priorities deal with a very small, longstanding program at the U.S. Department of Education that supports innovative teaching approaches and professional development in the field—altogether, American History and Civics grants receive \$5.3 million in federal funding this fiscal year, out of a roughly \$74 billion budget for the department. And the priorities, if they're adopted, won't constitute a sweeping directive of any kind for history and civics teachers. But it's a high-profile development in a polarized debate over what K-12 students

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American history classes are at the center of a political feud

Disagreements about how or whether educators should address the concepts of systemic racism, inequities in American society, and related issues grew more prominent last year, when President Donald Trump created the 1776 Commission to promote “patriotic education” and to push back on what Trump and his supporters called radical ideas that subverted core American values.

The former president also declared that public schools in general were indoctrinating students with left-wing propaganda that he equated with child abuse. That allegation provoked a swift and strong backlash from history educators, who said that Trump’s attacks, and not what 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, Nikole Hannah-Jones attends the 75th Annual Peabody Awards Ceremony at Cipriani Wall Street in New York. Proposals in Arkansas, Iowa and Mississippi would prohibit schools from using the New York Times' "1619 ... more >

By James Varney - The Washington Times - Wednesday, April 21, 2021

The Biden administration plans to offer grants for U.S. history classes that teach critical race theory and the "1619 Project," a New York Times series that views slavery and the consequences of slavers as the centerpiece of the American narrative.

The grants were proposed this week as part of programs that dispense several million dollars a year to K-12 schools. Critics of the anti-racism ideology and the historical inaccuracies in the 1619 Project warned that the grant program was an administration precursor to cementing the left-wing curriculum in Department of Education policy.

“What’s really happening in the ‘Proposed Priorities’ is an effort to establish funding priorities that will shape the \$1 billion per year Educating for American Democracy (EAD) bill pending in Congress,” said Peter Wood, president of the conservative National Association of Scholars.

SEE ALSO: ‘Demonizing White people for being born’: Headmaster describes school’s anti-racist lessons

The grant program was listed in the Federal Register on Monday as a proposed rule, which is open to comment until May 19. The rule touts the teachings of Ibram X. Kendi, a Black professor and pioneer in critical race theory. The crux of the theory is that White people are complicit in perpetuating systemic racism, regardless of their thoughts or actions. Part of the remedy, according to some proponents of the theory, is an unspecified period of reverse discrimination to smash entrenched White supremacist institutions.

The 1619 Project, which received a Pulitzer Prize, has been scored by Ivy League professors and Pulitzer Prize-winning historians as bogus history because it makes slavery the defining characteristic of the American experience.



In particular, The 1619 Project falsely characterized the American Revolution as driven by a desire to protect slavery in the Colonies, according to an analysis by historian Gordon S. Wood of Brown University.

Other historians challenged the premise that 1619, the year slaves first arrived in the Colonies, marked the “true founding” of America.

The New York Times eventually altered the online version of the 1619 Project without an editor’s note, removing the “true founding” language.

The Department of Education did not respond to phone calls and emails requesting comments on the grants.

People familiar with the grants, which are tied to the Presidential and Congressional Academies for American History and Civics and National Activities programs, said they usually total roughly \$5 million annually.

Experts predicted the Biden administration would attempt to tie the same critical race theory curriculum to other Department of Education initiatives.

“The idea in the Department of Education is to establish a precedent for neo-racist pedagogy in one small program so that the vastly larger program, should it become law, can swim right ahead with 1619 revisionist history and Kendi’s I-hate-America reductionism,” Mr. Wood said.

The ultimate goal is to improve “the quality of teaching of American history, civics, and government in elementary schools and secondary schools, including the teaching of traditional American history,” according to the proposal.

Under the rule, those who incorporate more of Mr. Kendi’s anti-racism concepts and the 1619 Project will be prioritized in the awarding of grants.

The Department of Education said in the rule that these lessons are important now because COVID-19 has had a “disproportionate impact on people of color” and because the U.S. is undergoing a “national reckoning with systemic racism [that] highlighted the urgency of improving racial equity throughout our society, including in our education system.”

Altering education in K-12 schools throughout the U.S. has long been a goal of advocates of critical race theory. In December, Mr. Kendi told an audience at Yale that the goal is “how do we educate those people to challenge and disrupt power and policy? All of that is crucial.”

Critics disagree that the pandemic emergency justifies the curriculum and argue that the coursework does not qualify as an honest intellectual approach to U.S. history.

“What’s baked into these priorities are the ideas that America is systemically racist, that Americans are implicitly racist and that anyone who denies these views is spreading ‘misinformation,’” Mr. Wood said. “No program that gives the stamp of federal approval to such risible sources deserves the light of day. These ‘Proposed Priorities’ are an affront to history and civics as they should be taught.”

Mr. Biden’s move to the left on race-based education is a dramatic departure from his moderate education stances during the 2020 presidential campaign. It suggests a far-left element within the administration is winning the internal debate on education policy, said Christopher Rufo, who has written extensively on critical race theory in education at City Journal and elsewhere.

“President Biden is structuring the Department of Education’s programs to incentivize critical race theory in America’s public schools,” Mr. Rufo said in an interview. “Biden campaigned as a moderate, but this decision would bring a radical and unpopular ideology into the classroom. The federal government should reject the principles of race essentialism, collective guilt and neo-segregation, not encourage them in the public education system.”

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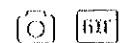
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Harry Schoger




21 April, 2021

It is the omissions of the educational system that has gotten us in the fix we find ourselves. We have jettisoned US history, government (all levels) and civics in the schools. The worst error is not teaching the Constitution. 1619 is racially biased

sophistry. It totally ignores historical context and is a parochial minority view of world history. If it is adopted it will combine with the sentiments that are already driving us away from the democracy defined in the Constitution toward what I see is a one-party, elitist controlled system in the short run. The Constitution of the US is already more than adequate to oversee a society of diversity. It was the first of its kind on the planet and has served as a model for scores of the 200 or so countries on earth. All the ills of slavery in the original document were eradicated by the conclusion of the Civil War and the amendments it spawned. The Project 1776 educational plan is much more amenable to keeping the democracy afloat. But Bernie's puppet Biden dismissed it out of hand. I'll bet he read it like he did the new Georgia Voting Laws. Come on folks. The tail is wagging the dog. "We the people" are the government. It's time for us to make our voices heard. In the words of Maxine Waters it's time for the parents of this country to get confrontational.

Reply  9 

 1 reply

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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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[PROGRAMS \(/PROGRAMS/LANDING.JHTML?SRC=LN\)](#) **TITLE VII—GENERAL PROVISIONS**

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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 smallest student population of the local educational agency receiving assistance under this Act with the 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

(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 ^Aeligible private agency, institution, organization, or Indian tribe, if the law authorizing the program provides for assistance to those entities; and
[28A]

(B) the public agency, eligible private agency, institution, or organization, or Indian tribe will administer the funds and property to the extent required by the authorizing statutes;

(3) the applicant will adopt and use proper methods of administering each such program, including

—
(A) the enforcement of any obligations imposed by law on agencies, institutions, organizations, and other recipients responsible for carrying out each program; and

(B) the correction of deficiencies in program operations that are identified through audits, monitoring, or evaluation;

(4) the applicant will cooperate in carrying out any evaluation of each such program conducted by or for the State educational agency, the Secretary, or other Federal officials;

(5) the applicant will use such fiscal control and fund accounting procedures as will ensure proper disbursement of, and accounting for, Federal funds paid to the applicant under each such program;

(6) the applicant will—

(A) submit such reports to the State educational agency (which shall make the reports available to the Governor) and the Secretary as the State educational agency and Secretary may require

to enable the State educational agency and the Secretary to perform their duties under each such program; and

(B) maintain such records, provide such information, and afford such access to the records as the State educational agency (after consultation with the Governor) or the Secretary may reasonably require to carry out the State educational agency's or the Secretary's duties; and

(7) before the application was submitted, the applicant afforded a reasonable opportunity for public comment on the application and considered such comment.

(b) GEPA PROVISION.—Section 442 of the General Education Provisions Act shall not apply to programs under this Act.

PART D—WAIVERS

SEC. 8401. [20 U.S.C. 7861] WAIVERS OF STATUTORY AND REGULATORY REQUIREMENTS.

(a) IN GENERAL.—

(1) REQUEST FOR WAIVER BY STATE OR INDIAN TRIBE.—A State educational agency or Indian tribe that receives funds under a program authorized under this Act may submit a request to the Secretary to waive any statutory or regulatory requirement of this Act.

(2) LOCAL EDUCATIONAL AGENCY AND SCHOOL REQUESTS SUBMITTED THROUGH THE STATE.—

(A) REQUEST FOR WAIVER BY LOCAL EDUCATIONAL AGENCY.—A local educational agency that receives funds under a program authorized under this Act and desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the appropriate State educational agency. The State educational agency may then submit the request to the Secretary if the State educational agency determines the waiver appropriate.

(B) REQUEST FOR WAIVER BY SCHOOL.—An elementary school or secondary school that desires a waiver of any statutory or regulatory requirement of this Act shall submit a request containing the information described in subsection (b)(1) to the local educational agency serving the school. The local educational agency may then submit the request to the State educational agency in accordance with subparagraph (A) if the local educational agency determines the waiver appropriate.

(3) RECEIPT OF WAIVER.—Except as provided in subsection (b)(4) or (c), the Secretary may waive any statutory or regulatory requirement of this Act for which a waiver request is submitted to the Secretary pursuant to this subsection.

(b) REQUEST FOR WAIVER.—

(1) IN GENERAL.—A State educational agency, acting on its own behalf or on behalf of a local educational agency in accordance with subsection (a)(2), or Indian tribe that desires a waiver shall submit a waiver request to the Secretary, which shall include a plan that—

(A) identifies the Federal programs affected by the requested waiver;

(B) describes which Federal statutory or regulatory requirements are to be waived;

(C) describes how the waiving of such requirements will advance student academic achievement;

(D) describes the methods the State educational agency, local educational agency, school, or Indian tribe will use to monitor and regularly evaluate the effectiveness of the implementation of the plan;

(E) includes only information directly related to the waiver request; and

(F) describes how schools will continue to provide assistance to the same populations served by

programs for which waivers are requested and, if the waiver relates to provisions of subsections (b) or (h) of section 1111, describes how the State educational agency, local educational agency, school, or Indian tribe will maintain or improve transparency in reporting to parents and the public

on student achievement and school performance, including the achievement of the subgroups of students identified in section 1111(b)(2)(B)(xi).

(2) ADDITIONAL INFORMATION.—Such requests—

(A) may provide for waivers of requirements applicable to State educational agencies, local educational agencies, Indian tribes, and schools; and

(B) shall be developed and submitted—

(i)(I) by local educational agencies (on behalf of those agencies and schools) to State educational agencies; and

(II) by State educational agencies (on behalf of those agencies or on behalf of, and based on the requests of, local educational agencies in the State) to the Secretary; or

(ii) by Indian tribes (on behalf of schools operated by the tribes) to the Secretary.

(3) GENERAL REQUIREMENTS.—

(A) STATE EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a State educational agency acting on its own behalf, or on behalf of local educational agencies in the State under subsection (a)(2), the State educational agency shall—

(i) provide the public and any interested local educational agency in the State with notice and a reasonable opportunity to comment and provide input on the request, to the extent that the request impacts the local educational agency;

(ii) submit the comments and input to the Secretary, with a description of how the State addressed the comments and input; and

(iii) provide notice and a reasonable time to comment to the public and local educational agencies in the manner in which the applying agency customarily provides similar notice and opportunity to comment to the public.

(B) LOCAL EDUCATIONAL AGENCIES.—In the case of a waiver request submitted by a local educational agency that receives funds under this Act—

(i) the request shall be reviewed and approved by the State educational agency in accordance with subsection (a)(2) before being submitted to the Secretary and be accompanied by the comments, if any, of the State educational agency and the public; and

(ii) notice and a reasonable opportunity to comment regarding the waiver request shall be provided to the State educational agency and the public by the agency requesting the waiver in the manner in which that agency customarily provides similar notice and opportunity to comment to the public.

(4) WAIVER DETERMINATION, DEMONSTRATION, AND REVISION.—

(A) IN GENERAL.—The Secretary shall issue a written determination regarding the initial approval or disapproval of a waiver request not more than 120 days after the date on which such request is submitted. Initial disapproval of such request shall be based on the determination of the Secretary that—

(i) the waiver request does not meet the requirements of this section;

(ii) the waiver is not permitted under subsection (c);

(iii) the description required under paragraph (1)(C) in the plan provides insufficient information to demonstrate that the waiving of such requirements will advance student academic achievement consistent with the purposes of this Act; or

(iv) the waiver request does not provide for adequate evaluation to ensure review and continuous improvement of the plan.

(B) WAIVER DETERMINATION AND REVISION.—Upon the initial determination of disapproval under subparagraph (A), the Secretary shall—

(i) immediately—

(I) notify the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe, as

applicable, of such determination; and

(II) provide detailed reasons for such determination in writing to the applicable entity under subclause (I) to the public, such as posting in a clear and easily accessible format to the Department's website;

(ii) offer the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe an opportunity to revise and resubmit the waiver request by a date that is not more than 60 days after the date of such determination; and

(iii) if the Secretary determines that the resubmission under clause (ii) does not meet the requirements of this section, at the request of the State educational agency, local educational agency, school, or Indian tribe, conduct a hearing not more than 30 days after the date of such resubmission.

(C) **WAIVER DISAPPROVAL.**—The Secretary may ultimately disapprove a waiver request if—

(i) the State educational agency, local educational agency, school, or Indian tribe has been notified and offered an opportunity to revise and resubmit the waiver request, as described under clauses (i) and (ii) of subparagraph (B); and

(ii) the State educational agency, local educational agency (through the State educational agency), school (through the local educational agency), or Indian tribe—

(I) does not revise and resubmit the waiver request; or

(II) revises and resubmits the waiver request, and the Secretary determines that such waiver request does not meet the requirements of this section after a hearing conducted under subparagraph (B)(iii), if such a hearing is requested.

(D) **EXTERNAL CONDITIONS.**—The Secretary shall not disapprove a waiver request under this section based on conditions outside the scope of the waiver request.

(c) **RESTRICTIONS.**—The Secretary shall not waive under this section any statutory or regulatory requirements relating to—

(1) the allocation or distribution of funds to States, local educational agencies, Indian tribes, or other recipients of funds under this Act;

(2) maintenance of effort;

(3) comparability of services;

(4) use of Federal funds to supplement, not supplant, non-Federal funds;

(5) equitable participation of private school students and teachers;

(6) parental participation and involvement;

(7) applicable civil rights requirements;

(8) the requirement for a charter school under part C of title IV;

(9) the prohibitions—

(A) in subpart 2 of part F;

(B) regarding use of funds for religious worship or instruction in section 8505; and

(C) regarding activities in section 8526; or

(10) the selection of a school attendance area or school under subsections (a) and (b) of section 1113, except that the Secretary may grant a waiver to allow a school attendance area or school to participate in activities under part A of title I if the percentage of children from low-income families in the school attendance area or who attend the school is not more than 10 percentage points below the lowest percentage of those children for any school attendance area or school of the local educational agency that meets the requirements of subsection (a) and (b) of section 1113.

(d) **DURATION AND EXTENSION OF WAIVER; LIMITATIONS.**—

(1) **IN GENERAL.**—Except as provided in paragraph (2), a waiver approved by the Secretary under this section may be for a period not to exceed 4 years.

(2) EXTENSION.—The Secretary may extend the period described in paragraph (1) if the State demonstrates that—

(A) the waiver has been effective in enabling the State or affected recipient to carry out the activities for which the waiver was requested and the waiver has contributed to improved student achievement; and

(B) the extension is in the public interest.

(3) SPECIFIC LIMITATIONS.—The Secretary shall not require a State educational agency, local educational agency, school, or Indian tribe, as a condition of approval of a waiver request, to—

(A) include in, or delete from, such request, specific academic standards, such as the Common Core State Standards developed under the Common Core State Standards Initiative or any other standards common to a significant number of States;

(B) use specific academic assessment instruments or items, including assessments aligned to the standards described in subparagraph (A); or

(C) include in, or delete from, such waiver request any specific elements of—

(i) State academic standards;

(ii) academic assessments;

(iii) State accountability systems; or

(iv) teacher and school leader evaluation systems.

(e) REPORTS.—A State educational agency, local educational agency, school, or Indian tribe receiving a waiver under this section shall describe, as part of, and pursuant to, the required annual reporting under section 1111(h)—

(1) the progress of schools covered under the provisions of such waiver toward improving student academic achievement; and

(2) how the use of the waiver has contributed to such progress.

(f) TERMINATION OF WAIVERS.—The Secretary shall terminate a waiver under this section if, after notice and an opportunity for a hearing, the Secretary—

(A) [14] presents a rationale and supporting information that clearly demonstrates that the waiver is not contributing to the progress of schools described in subsection (e)(1); or

(B) determines that the waiver is no longer necessary to achieve its original purposes.

(g) PUBLICATION.—A notice of the Secretary's decision to grant each waiver under subsection (a) shall be published in the Federal Register and the Secretary shall provide for the dissemination of the notice to State educational agencies, interested parties, including educators, parents, students, advocacy and civil rights organizations, and the public.

PART E—APPROVAL AND DISAPPROVAL OF STATE PLANS AND LOCAL APPLICATIONS

SEC. 8451. [20 U.S.C. 7871] APPROVAL AND DISAPPROVAL OF STATE PLANS.

(a) APPROVAL.—A plan submitted by a State pursuant to section 2101(d), 4103(c), 4203, or 8302 shall be approved by the Secretary unless the Secretary makes a written determination (which shall include the supporting information and rationale supporting such determination), prior to the expiration of the 120-day period beginning on the date on which the Secretary received the plan, that the plan is not in compliance with section 2101(d), 4103(c), or 4203, or part C, respectively.

(b) DISAPPROVAL PROCESS.—

(1) IN GENERAL.—The Secretary shall not finally disapprove a plan submitted under section 2101(d), 4103(c), 4203, or 8302, except after giving the State educational agency notice and an opportunity for a hearing.

(2) NOTIFICATIONS.—If the Secretary finds that the plan is not in compliance, in whole or in part, with section 2101(d), 4103(c), or 4203, or part C, as applicable, the Secretary shall—

(A) immediately notify the State of such determination;

(B) provide a detailed description of the specific provisions of the plan that the Secretary determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;

(C) offer the State an opportunity to revise and resubmit its plan within 45 days of such determination, including the chance for the State to present supporting information to clearly demonstrate that the State plan meets the requirements of such section or part, as applicable;

(D) provide technical assistance, upon request of the State, in order to assist the State to meet the requirements of such section or part, as applicable;

(E) conduct a hearing within 30 days of the plan's resubmission under subparagraph (C), unless a State declines the opportunity for such hearing; and

(F) request additional information, only as to the non-compliant provisions, needed to make the plan compliant.

(3) RESPONSE.—If the State educational agency responds to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, and resubmits the plan as described in paragraph (2)(C), the Secretary shall approve such plan unless the Secretary determines the plan does not meet the requirements of section 2101(d), 4103(c), or 4203, or part C, as applicable.

(4) FAILURE TO RESPOND.—If the State educational agency does not respond to the Secretary's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the State educational agency received the notification, such plan shall be deemed to be disapproved.

(c) LIMITATION.—A plan submitted under section 2101(d), 4103(c), 4203, or 8302 shall not be approved or disapproved based upon the nature of the activities proposed within such plan if such proposed activities meet the applicable program requirements.

(d) PEER-REVIEW REQUIREMENTS.—Notwithstanding any other requirements of this part, the Secretary shall ensure that any portion of a consolidated State plan that is related to part A of title I is subject to the peer-review process described in section 1111(a)(4).

SEC. 8452. [20 U.S.C. 7872] APPROVAL AND DISAPPROVAL OF LOCAL EDUCATIONAL AGENCY APPLICATIONS.

(a) APPROVAL.—An application submitted by a local educational agency pursuant to section 2102(b), 4106, 4204(b) or 8305, shall be approved by the State educational agency unless the State educational agency makes a written determination (which shall include the supporting information and rationale for such determination), prior to the expiration of the 120-day period beginning on the date on which the State educational agency received the application, that the application is not in compliance with section 2102(b), 4106, or 4204(b), or part C, respectively.

(b) DISAPPROVAL PROCESS.—

(1) IN GENERAL.—The State educational agency shall not finally disapprove an application submitted under section 2102(b), 4106, 4204(b) or 8305 except after giving the local educational agency notice and opportunity for a hearing.

(2) NOTIFICATIONS.—If the State educational agency finds that the application submitted under section 2102(b), 4106, 4204(b) or 8305 is not in compliance, in whole or in part, with section 2102(b), 4106, or 4204(b), or part C, respectively, the State educational agency shall—

(A) immediately notify the local educational agency of such determination;

- (B) provide a detailed description of the specific provisions of the application that the State determines fail to meet the requirements, in whole or in part, of such section or part, as applicable;
- (C) offer the local educational agency an opportunity to revise and resubmit its application within 45 days of such determination, including the chance for the local educational agency to present supporting information to clearly demonstrate that the application meets the requirements of such section or part;
- (D) provide technical assistance, upon request of the local educational agency, in order to assist the local educational agency to meet the requirements of such section or part, as applicable;
- (E) conduct a hearing within 30 days of the application's resubmission under subparagraph (C), unless a local educational agency declines the opportunity for such a hearing; and
- (F) request additional information, only as to the non-compliant provisions, needed to make the application compliant.

(3) RESPONSE.—If the local educational agency responds to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45-day period beginning on the date on which the local educational agency received the notification, and resubmits the application as described in paragraph (2)(C), the State educational agency shall approve such application unless the State educational agency determines the application does not meet the requirements of this part.

(4) FAILURE TO RESPOND.—If the local educational agency does not respond to the State educational agency's notification described in paragraph (2)(A) prior to the expiration of the 45 day period beginning on the date on which the local educational agency received the notification, such application shall be deemed to be disapproved.

PART F—UNIFORM PROVISIONS

Subpart 1—Private Schools

SEC. 8501. [20 U.S.C. 7881] PARTICIPATION BY PRIVATE SCHOOL CHILDREN AND TEACHERS.

(a) PRIVATE SCHOOL PARTICIPATION.—

(1) IN GENERAL.—Except as otherwise provided in this Act, to the extent consistent with the number of eligible children in areas served by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or another entity receiving financial assistance under a program specified in subsection (b), who are enrolled in private elementary schools and secondary schools in areas served by such agency, consortium, or entity, the agency, consortium, or entity shall, after timely and meaningful consultation with appropriate private school officials provide to those children and their teachers or other educational personnel, on an equitable basis, special educational services or other benefits that address their needs under the program.

(2) SECULAR, NEUTRAL, AND NONIDEOLOGICAL SERVICES OR BENEFITS.—Educational services or other benefits, including materials and equipment, provided under this section, shall be secular, neutral, and nonideological.

(3) SPECIAL RULE.—

(A) IN GENERAL.—Educational services and other benefits provided under this section for private school children, teachers, and other educational personnel shall be equitable in comparison to services and other benefits for public school children, teachers, and other educational personnel participating in the program and shall be provided in a timely manner.

(B) OMBUDSMAN.—To help ensure equitable services are provided to private school children, teachers, and other educational personnel under this section, the State educational agency involved shall direct the ombudsman designated by the agency under section 1117 to monitor and enforce the requirements of this section.

(4) EXPENDITURES.—

(A) IN GENERAL.—Expenditures for educational services and other benefits provided under this section for eligible private school children, their teachers, and other educational personnel serving those children shall be equal, taking into account the number and educational needs of the children to be served, to the expenditures for participating public school children.

(B) OBLIGATION OF FUNDS.—Funds allocated to a local educational agency for educational services and other benefits to eligible private school children shall be obligated in the fiscal year for which the funds are received by the agency.

(C) NOTICE OF ALLOCATION.—Each State educational agency shall provide notice in a timely manner to the appropriate private school officials in the State of the allocation of funds for educational services and other benefits under this subpart that the local educational agencies have determined are available for eligible private school children.

(5) PROVISION OF SERVICES.—An agency, consortium, or entity described in subsection (a)(1) of this section may provide those services directly or through contracts with public and private agencies, organizations, and institutions.

(b) APPLICABILITY.—

(1) IN GENERAL.—This section applies to programs under—

(A) part C of title I;

(B) part A of title II;

(C) part A of title III;

(D) part A of title IV;

(E) part B of title IV; and

(F) section 4631, with regard to Project SERV.

(2) DEFINITION.—For the purpose of this section, the term "eligible children" means children eligible for services under a program described in paragraph (1).

(c) CONSULTATION.—

(1) IN GENERAL.—To ensure timely and meaningful consultation, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity shall consult with appropriate private school officials. Such agency and private school officials shall both have the goal of reaching agreement on how to provide equitable and effective programs for eligible private school children, on issues such as—

(A) how the children's needs will be identified;

(B) what services will be offered;

(C) how, where, and by whom the services will be provided;

(D) how the services will be assessed and how the results of the assessment will be used to improve those services;

(E) the size and scope of the equitable services to be provided to the eligible private school children, teachers, and other educational personnel, the amount of funds available for those services, and how that amount is determined;

(F) how and when the agency, consortium, or entity will make decisions about the delivery of services, including a thorough consideration and analysis of the views of the private school officials on the provision of services through potential third-party providers; and

(G) whether the agency, consortium, or entity shall provide services directly or through a separate government agency, consortium, or entity, or through a third-party contractor; and

- (H) whether to provide equitable services to eligible private school children—
 - (i) by creating a pool or pools of funds with all of the funds allocated under subsection (a)(4)(C) based on all the children from low-income families in a participating school attendance area who attend private schools; or
 - (ii) in the agency's participating school attendance area who attend private schools with the proportion of funds allocated under subsection (a)(4)(C) based on the number of children from low-income families who attend private schools.

(2) DISAGREEMENT.—If the agency, consortium, or entity disagrees with the views of the private school officials on the provision of services through a contract, the agency, consortium, or entity shall provide to the private school officials a written explanation of the reasons why the local educational agency has chosen not to use a contractor.

(3) TIMING.—The consultation required by paragraph (1) shall occur before the agency, consortium, or entity makes any decision that affects the opportunities of eligible private school children, teachers, and other educational personnel to participate in programs under this Act, and shall continue throughout the implementation and assessment of activities under this section.

(4) DISCUSSION REQUIRED.—The consultation required by paragraph (1) shall include a discussion of service delivery mechanisms that the agency, consortium, or entity could use to provide equitable services to eligible private school children, teachers, administrators, and other staff.

(5) [15] DOCUMENTATION.—Each local educational agency shall maintain in the agency's records, and provide to the State educational agency involved, a written affirmation signed by officials of each participating private school that the meaningful consultation required by this section has occurred. The written affirmation shall provide the option for private school officials to indicate such officials' belief that timely and meaningful consultation has not occurred or that the program design is not equitable with respect to eligible private school children. If such officials do not provide such affirmation within a reasonable period of time, the local educational agency shall forward the documentation that such consultation has, or attempts at such consultation have, taken place to the State educational agency.

(6) 15 COMPLIANCE.—

(A) IN GENERAL.—If the consultation required under this section is with a local educational agency or educational service agency, a private school official shall have the right to file a complaint with the State educational agency that the consultation required under this section was not meaningful and timely, did not give due consideration to the views of the private school official, or did not make a decision that treats the private school or its students equitably as required by this section.

(B) PROCEDURE.—If the private school official wishes to file a complaint, the private school official shall provide the basis of the noncompliance and all parties shall provide the appropriate documentation to the appropriate officials.

(C) SERVICES.—A State educational agency shall provide services under this section directly or through contracts with public and private agencies, organizations, and institutions, if the appropriate private school officials have—

- (i) requested that the State educational agency provide such services directly; and
- (ii) demonstrated that the local educational agency involved has not met the requirements of this section in accordance with the procedures for making such a request, as prescribed by the State educational agency.

(d) PUBLIC CONTROL OF FUNDS.—

(1) IN GENERAL.—The control of funds used to provide services under this section, and title to materials, equipment, and property purchased with those funds, shall be in a public agency for

the uses and purposes provided in this Act, and a public agency shall administer the funds and property.

(2) PROVISION OF SERVICES.—

(A) IN GENERAL.—The provision of services under this section shall be provided—

- (i) by employees of a public agency; or
- (ii) through contract by the public agency with an individual, association, agency, organization, or other entity.

(B) INDEPENDENCE; PUBLIC AGENCY.—In the provision of those services, the employee, person, association, agency, organization, or other entity shall be independent of the private school and of any religious organization, and the employment or contract shall be under the control and supervision of the public agency.

(C) COMMINGLING OF FUNDS PROHIBITED.—Funds used to provide services under this section shall not be commingled with non-Federal funds.

SEC. 8502. [20 U.S.C. 7882] STANDARDS FOR BY-PASS.

(a) IN GENERAL.—If, by reason of any provision of law, a State educational agency, local educational agency, educational service agency, consortium of those agencies, or other entity is prohibited from providing for the participation in programs of children enrolled in, or teachers or other educational personnel from, private elementary schools and secondary schools, on an equitable basis, or if the Secretary determines that the agency, consortium, or entity has substantially failed or is unwilling to provide for that participation, as required by section 8501, the Secretary shall—

- (1) waive the requirements of that section for the agency, consortium, or entity; and
- (2) arrange for the provision of equitable services to those children, teachers, or other educational personnel through arrangements that shall be subject to the requirements of this section and of sections 8501, 8503, and 8504.

(b) DETERMINATION.—In making the determination under subsection (a), the Secretary shall consider one or more factors, including the quality, size, scope, and location of the program, and the opportunity of private school children, teachers, and other educational personnel to participate in the program.

SEC. 8503. [20 U.S.C. 7883] COMPLAINT PROCESS FOR PARTICIPATION OF PRIVATE SCHOOL CHILDREN.

(a) PROCEDURES FOR COMPLAINTS.—The Secretary shall develop and implement written procedures for receiving, investigating, and resolving complaints from parents, teachers, or other individuals and organizations concerning violations of section 8501 by a State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity. The individual or organization shall submit the complaint to the State educational agency for a written resolution by the State educational agency within 45 days.

(b) APPEALS TO SECRETARY.—The resolution may be appealed by an interested party to the Secretary not later than 30 days after the State educational agency resolves the complaint or fails to resolve the complaint within the 45-day time limit. The appeal shall be accompanied by a copy of the State educational agency's resolution, and, if there is one, a complete statement of the reasons supporting the appeal. The Secretary shall investigate and resolve the appeal not later than 90 days after receipt of the appeal.

SEC. 8504. [20 U.S.C. 7884] BY-PASS DETERMINATION PROCESS.

(a) REVIEW.—

(1) IN GENERAL.—

(A) WRITTEN OBJECTIONS.—The Secretary shall not take any final action under section 8502 until the State educational agency, local educational agency, educational service agency, consortium of those agencies, or entity affected by the action has had an opportunity, for not less than 45 days after receiving written notice thereof, to submit written objections and to appear before the Secretary to show cause why that action should not be taken.

(B) PRIOR TO REDUCTION.—Pending final resolution of any investigation or complaint that could result in a determination under this section, the Secretary may withhold from the allocation of the affected State educational agency or local educational agency the amount estimated by the Secretary to be necessary to pay the cost of those services.

(2) PETITION FOR REVIEW.—

(A) PETITION.—If the affected agency, consortium, or entity is dissatisfied with the Secretary's final action after a proceeding under paragraph (1), the agency, consortium, or entity may, within 60 days after notice of that action, file with the United States court of appeals for the circuit in which the State is located a petition for review of that action.

(B) TRANSMISSION.—A copy of the petition shall be forthwith transmitted by the clerk of the court to the Secretary.

(C) FILING.—The Secretary, upon receipt of the copy of the petition, shall file in the court the record of the proceedings on which the Secretary based the action, as provided in section 2112 of title 28, United States Code.

(3) FINDINGS OF FACT.—

(A) IN GENERAL.—The findings of fact by the Secretary, if supported by substantial evidence, shall be conclusive, but the court, for good cause shown, may remand the case to the Secretary to take further evidence and the Secretary may then make new or modified findings of fact and may modify the Secretary's previous action, and shall file in the court the record of the further proceedings.

(B) NEW OR MODIFIED FINDINGS.—Any new or modified findings of fact shall likewise be conclusive if supported by substantial evidence.

(4) JURISDICTION.—

(A) IN GENERAL.—Upon the filing of a petition, the court shall have jurisdiction to affirm the action of the Secretary or to set the action aside, in whole or in part.

(B) JUDGMENT.—The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28, United States Code.

(b) DETERMINATION.—Any determination by the Secretary under this section shall continue in effect until the Secretary determines, in consultation with that agency, consortium, or entity and representatives of the affected private school children, teachers, or other educational personnel, that there will no longer be any failure or inability on the part of the agency, consortium, or entity to meet the applicable requirements of section 8501 or any other provision of this Act.

(c) PAYMENT FROM STATE ALLOTMENT.—When the Secretary arranges for services pursuant to this section, the Secretary shall, after consultation with the appropriate public and private school officials, pay the cost of those services, including the administrative costs of arranging for those services, from the appropriate allocation or allocations under this Act.

(d) PRIOR DETERMINATION.—Any by-pass determination by the Secretary under this Act as in effect on the day preceding the date of enactment of the No Child Left Behind Act of 2001 shall remain in effect to the extent the Secretary determines that that determination is consistent with the purpose of this section.

Nothing contained in this Act shall be construed to authorize the making of any payment under this Act for religious worship or instruction.

SEC. 8506. [20 U.S.C. 7886] PRIVATE, RELIGIOUS, AND HOME SCHOOLS.

(a) APPLICABILITY TO NONRECIPIENT PRIVATE SCHOOLS.—Nothing in this Act shall be construed to affect any private school that does not receive funds or services under this Act, nor shall any student who attends a private school that does not receive funds or services under this Act be required to participate in any assessment referenced in this Act.

(b) APPLICABILITY TO HOME SCHOOLS.—Nothing in this Act shall be construed to affect a home school, whether or not a home school is treated as a home school or a private school under State law, nor shall any student schooled at home be required to participate in any assessment referenced in this Act.

(c) RULE OF CONSTRUCTION ON PROHIBITION OF FEDERAL CONTROL OVER NONPUBLIC SCHOOLS.—Nothing in this Act shall be construed to permit, allow, encourage, or authorize any Federal control over any aspect of any private, religious, or home school, whether or not a home school is treated as a private school or home school under State law. This section shall not be construed to bar private, religious, or home schools from participation in programs or services under this Act.

(d) RULE OF CONSTRUCTION ON STATE AND LOCAL EDUCATIONAL AGENCY MANDATES.—Nothing in this Act shall be construed to require any State educational agency or local educational agency that receives funds under this Act to mandate, direct, or control the curriculum of a private or home school, regardless or [29A] whether or not a home school is treated as a private school under state [29B] law, nor shall any funds under this Act be used for this purpose.

Subpart 2—Other Provisions

SEC. 8521. [20 U.S.C. 7901] MAINTENANCE OF EFFORT.

(a) IN GENERAL.—A local educational agency may receive funds under a covered program for any fiscal year only if the State educational agency finds that either the combined fiscal effort per student or the aggregate expenditures of the agency and the State with respect to the provision of free public education by the agency for the preceding fiscal year was not less than 90 percent of the combined fiscal effort or aggregate expenditures for the second preceding fiscal year, subject to the requirements of subsection (b).

(b) REDUCTION IN CASE OF FAILURE TO MEET.—

(1) IN GENERAL.—The State educational agency shall reduce the amount of the allocation of funds under a covered program in any fiscal year in the exact proportion by which a local educational agency fails to meet the requirement of subsection (a) of this section by falling below 90 percent of both the combined fiscal effort per student and aggregate expenditures (using the measure most favorable to the local agency), if such local educational agency has also failed to meet such requirement (as determined using the measure most favorable to the local agency) for 1 or more of the 5 immediately preceding fiscal years.

(2) SPECIAL RULE.—No such lesser amount shall be used for computing the effort required under subsection (a) of this section for subsequent years.

(c) WAIVER.—The Secretary may waive the requirements of this section if the Secretary determines that a waiver would be equitable due to—

(1) exceptional or uncontrollable circumstances, such as a natural disaster or a change in the organizational structure of the local educational agency; or

(2) a precipitous decline in the financial resources of the local educational agency.

SEC. 8522. [20 U.S.C. 7902] PROHIBITION REGARDING STATE AID.

A State shall not take into consideration payments under this Act (other than under title VII) in determining the eligibility of any local educational agency in that State for State aid, or the amount of State aid, with respect to free public education of children.

SEC. 8523. [20 U.S.C. 7903] PRIVACY OF ASSESSMENT RESULTS.

Any results from an individual assessment referred to in this Act of a student that become part of the education records of the student shall have the protections provided in section 444 of the General Education Provisions Act.

SEC. 8524. [20 U.S.C. 7904] SCHOOL PRAYER.

(a) GUIDANCE.—The Secretary shall provide and revise guidance, not later than September 1, 2002, and of every second year thereafter, to State educational agencies, local educational agencies, and the public on constitutionally protected prayer in public elementary schools and secondary schools, including making the guidance available by electronic means, including by posting the guidance on the Department's website in a clear and easily accessible manner. The guidance shall be reviewed, prior to distribution, by the Office of Legal Counsel of the Department of Justice for verification that the guidance represents the current state of the law concerning constitutionally protected prayer in public elementary schools and secondary schools.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a local educational agency shall certify in writing to the State educational agency involved that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools, as detailed in the guidance required under subsection (a). The certification shall be provided by October 1 of each year. The State educational agency shall report to the Secretary by November 1 of each year a list of those local educational agencies that have not filed the certification or against which complaints have been made to the State educational agency that the local educational agencies are not in compliance with this section.

(c) ENFORCEMENT.—The Secretary is authorized and directed to effectuate subsection (b) by issuing, and securing compliance with, rules or orders with respect to a local educational agency that fails to certify, or is found to have certified in bad faith, that no policy of the local educational agency prevents, or otherwise denies participation in, constitutionally protected prayer in public elementary schools and secondary schools.

SEC. 8525. [20 U.S.C. 7905] EQUAL ACCESS TO PUBLIC SCHOOL FACILITIES.

(a) SHORT TITLE.—This section may be cited as the "Boy Scouts of America Equal Access Act".

(b) IN GENERAL.—

(1) EQUAL ACCESS.—Notwithstanding any other provision of law, no public elementary school, public secondary school, local educational agency, or State educational agency that has a designated open forum or a limited public forum and that receives funds made available through the Department shall deny equal access or a fair opportunity to meet to, or discriminate against, any group officially affiliated with the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society), that wishes to conduct a meeting within that designated open forum or limited public forum, including denying such access or opportunity or discriminating for reasons based on the membership or leadership criteria or oath of allegiance to God and country of the Boy Scouts of America or of the youth group listed in title 36 of the United States Code (as a patriotic society).

(2) VOLUNTARY SPONSORSHIP.—Nothing in this section shall be construed to require any school, agency, or a school served by an agency to sponsor any group officially affiliated with

the Boy Scouts of America, or any other youth group listed in title 36 of the United States Code (as a patriotic society).

(c) TERMINATION OF ASSISTANCE AND OTHER ACTION.—

(1) DEPARTMENTAL ACTION.—The Secretary is authorized and directed to effectuate subsection (b) by issuing and securing compliance with rules or orders with respect to a public elementary school, public secondary school, local educational agency, or State educational agency that receives funds made available through the Department and that denies equal access, or a fair opportunity to meet, or discriminates, as described in subsection (b).

(2) PROCEDURE.—The Secretary shall issue and secure compliance with the rules or orders, under paragraph (1), through the Office for Civil Rights and in a manner consistent with the procedure used by a Federal department or agency under section 602 of the Civil Rights Act of 1964. If the public school or agency does not comply with the rules or orders, then notwithstanding any other provision of law, no funds made available through the Department shall be provided to a school that fails to comply with such rules or orders or to any agency or school served by an agency that fails to comply with such rules or orders.

(3) JUDICIAL REVIEW.—Any action taken by the Secretary under paragraph (1) shall be subject to the judicial review described in section 603 of the Civil Rights Act of 1964. Any person aggrieved by the action may obtain that judicial review in the manner, and to the extent, provided in section 603 of such Act.

(d) DEFINITION AND RULE.—

(1) DEFINITION.—In this section, the term "youth group" means any group or organization intended to serve young people under the age of 21.

(2) RULE.—For the purpose of this section, an elementary school or secondary school has a limited public forum whenever the school involved grants an offering to, or opportunity for, one or more outside youth or community groups to meet on school premises or in school facilities before or after the hours during which attendance at the school is compulsory.

SEC. 8526. [20 U.S.C. 7906] PROHIBITED USES OF FUNDS [16]

No funds under this Act may be used—

- (1) for construction, renovation, or repair of any school facility, except as authorized under this Act;
- (2) for transportation unless otherwise authorized under this Act;
- (3) to develop or distribute materials, or operate programs or courses of instruction directed at youth, that are designed to promote or encourage sexual activity, whether homosexual or heterosexual;
- (4) to distribute or to aid in the distribution by any organization of legally obscene materials to minors on school grounds;
- (5) to provide sex education or HIV-prevention education in schools unless that instruction is age appropriate and includes the health benefits of abstinence; or
- (6) to operate a program of contraceptive distribution in schools.

SEC. 8526A. [20 U.S.C. 7906a] PROHIBITION AGAINST FEDERAL MANDATES, DIRECTION, OR CONTROL.

(a) IN GENERAL.—No officer or employee of the Federal Government shall, through grants, contracts, or other cooperative agreements, mandate, direct, or control a State, local educational agency, or school's specific instructional content, academic standards and assessments, curricula, or program of instruction developed and implemented to meet the requirements of this Act (including any requirement, direction, or mandate to adopt the Common Core State Standards developed under the Common Core State Standards Initiative, any other academic standards

common to a significant number of States, or any assessment, instructional content, or curriculum aligned to such standards), nor shall anything in this Act be construed to authorize such officer or employee to do so.

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

SEC. 8527. [20 U.S.C. 7907] PROHIBITIONS ON FEDERAL GOVERNMENT AND USE OF FEDERAL FUNDS.

(a) GENERAL PROHIBITION.—Nothing in this Act shall be construed to authorize an officer or employee of the Federal Government, including through a grant, contract, or cooperative agreement, to mandate, direct, or control a State, local educational agency, or school's curriculum, program of instruction, or allocation of State or local resources, or mandate a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

(b) PROHIBITION ON ENDORSEMENT OF CURRICULUM.—Notwithstanding any other provision of Federal law, no funds provided to the Department under this Act may be used by the Department, whether through a grant, contract, or cooperative agreement, to endorse, approve, develop, require, or sanction any curriculum, including any curriculum aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States, designed to be used in an elementary school or secondary school.

(c) LOCAL CONTROL.—Nothing in this section shall be construed to—

- (1) authorize an officer or employee of the Federal Government, whether through a grant, contract, or cooperative agreement to mandate, direct, review, or control a State, local educational agency, or school's instructional content, curriculum, and related activities;
- (2) limit the application of the General Education Provisions Act (20 U.S.C. 1221 et seq.);
- (3) require the distribution of scientifically or medically false or inaccurate materials or to prohibit the distribution of scientifically or medically true or accurate materials; or
- (4) create any legally enforceable right.

(d) PROHIBITION ON REQUIRING FEDERAL APPROVAL OR CERTIFICATION OF STANDARDS.—

(1) IN GENERAL.—Notwithstanding any other provision of Federal law, no State shall be required to have academic standards approved or certified by the Federal Government, in order to receive assistance under this Act.

(2) RULE OF CONSTRUCTION.—Nothing in this Act shall be construed to prohibit a State, local educational agency, or school from using funds provided under this Act for the development or implementation of any instructional content, academic standards, academic assessments, curriculum, or program of instruction that a State, local educational agency, or school chooses, as permitted under State and local law, as long as the use of such funds is consistent with the terms of the grant, contract, or cooperative agreement providing such funds.

(3) BUILDING STANDARDS.—Nothing in this Act shall be construed to mandate national school building standards for a State, local educational agency, or school.

SEC. 8528. [20 U.S.C. 7908] ARMED FORCES RECRUITER ACCESS TO STUDENTS AND STUDENT RECRUITING INFORMATION. [17]

(a) POLICY.—

(1) ACCESS TO STUDENT RECRUITING INFORMATION.—Notwithstanding section 444(a)(5)(B) of the General Education Provisions Act (20 U.S.C. 1232g(a)(5)(B)), each local educational agency receiving assistance under this Act shall provide, upon a request made by a military recruiter or an institution of higher education, access to the name, address, and telephone listing of each secondary school student served by the local educational agency, unless the parent of such student has submitted the prior consent request under paragraph (2).

(2) CONSENT.—

(A) OPT-OUT PROCESS.—A parent of a secondary school student may submit a written request, to the local educational agency, that the student's name, address, and telephone listing not be released for purposes of paragraph (1) without prior written consent of the parent. Upon receiving such request, the local educational agency may not release the student's name, address, and telephone listing for such purposes without the prior written consent of the parent.

(B) NOTIFICATION OF OPT-OUT PROCESS.—Each local educational agency shall notify the parents of the students served by the agency of the option to make a request described in subparagraph (A).

(3) SAME ACCESS TO STUDENTS.—Each local educational agency receiving assistance under this Act shall provide military recruiters the same access to secondary school students as is provided to institutions of higher education or to prospective employers of those students.

(4) RULE OF CONSTRUCTION PROHIBITING OPT-IN PROCESSES.—Nothing in this subsection shall be construed to allow a local educational agency to withhold access to a student's name, address, and telephone listing from a military recruiter or institution of higher education by implementing an opt-in process or any other process other than the written consent request process under paragraph (2)(A).

(5) PARENTAL CONSENT.—For purposes of this subsection, whenever a student has attained 18 years of age, the permission or consent required of and the rights accorded to the parents of the student shall only be required of and accorded to the student.

(6) (b) NOTIFICATION.—The Secretary, in consultation with the Secretary of Defense, shall, not later than 120 days after the date of the enactment of the Every Student Succeeds Act, notify school leaders, school administrators, and other educators about the requirements of this section.

(7) (c) EXCEPTION.—The requirements of this section do not apply to a private secondary school that maintains a religious objection to service in the Armed Forces if the objection is verifiable through the corporate or other organizational documents or materials of that school.

SEC. 8529. [20 U.S.C. 7909] PROHIBITION ON FEDERALLY SPONSORED TESTING.

(a) GENERAL PROHIBITION.—Notwithstanding any other provision of Federal law and except as provided in subsection (b), no funds provided under this Act to the Secretary or to the recipient of any award may be used to develop, incentivize, pilot test, field test, implement, administer, or distribute any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law, including any assessment or testing materials aligned to the Common Core State Standards developed under the Common Core State Standards Initiative or any other academic standards common to a significant number of States.

(b) EXCEPTIONS.—Subsection (a) shall not apply to international comparative assessments developed under the authority of section 153(a)(6) of the Education Sciences Reform Act of 2002

(20 U.S.C. 9543(a)(6)) and administered to only a representative sample of pupils in the United States and in foreign nations.

SEC. 8530. [20 U.S.C. 7910] LIMITATIONS ON NATIONAL TESTING OR CERTIFICATION FOR TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.

(a) [18] MANDATORY NATIONAL TESTING OR CERTIFICATION OF TEACHERS, PRINCIPALS, OR OTHER SCHOOL LEADERS.—Notwithstanding any other provision of this Act or any other provision of law, no funds available to the Department or otherwise available under this Act may be used for any purpose relating to a mandatory nationwide test or certification of teachers, principals, other school leaders, or education paraprofessionals, including any planning, development, implementation, or administration of, or incentive regarding, such test or certification.

(b) PROHIBITION ON WITHHOLDING FUNDS.—The Secretary is prohibited from withholding funds from any State educational agency or local educational agency if the State educational agency or local educational agency fails to adopt a specific method of teacher or paraprofessional certification.

SEC. 8530A. [20 U.S.C. 7910a] PROHIBITION ON REQUIRING STATE PARTICIPATION.

Any State that opts out of receiving funds, or that has not been awarded funds, under one or more programs under this Act shall not be required to carry out any of the requirements of such program or programs, and nothing in this Act shall be construed to require a State to participate in any program under this Act.

SEC. 8531. [20 U.S.C. 7911] PROHIBITION ON NATIONWIDE DATABASE.

Nothing in this Act (other than section 1308(b)) shall be construed to authorize the development of a nationwide database of personally identifiable information on individuals involved in studies or other collections of data under this Act.

SEC. 8532. [20 U.S.C. 7912] UNSAFE SCHOOL CHOICE OPTION.

(a) UNSAFE SCHOOL CHOICE POLICY.—Each State receiving funds under this Act shall establish and implement a statewide policy requiring that a student attending a persistently dangerous public elementary school or secondary school, as determined by the State in consultation with a representative sample of local educational agencies, or who becomes a victim of a violent criminal offense, as determined by State law, while in or on the grounds of a public elementary school or secondary school that the student attends, be allowed to attend a safe public elementary school or secondary school within the local educational agency, including a public charter school.

(b) CERTIFICATION.—As a condition of receiving funds under this Act, a State shall certify in writing to the Secretary that the State is in compliance with this section.

SEC. 8533. [20 U.S.C. 7913] PROHIBITION ON DISCRIMINATION.

Nothing in this Act shall be construed to require, authorize, or permit, the Secretary, or a State educational agency, local educational agency, or school to grant to a student, or deny or impose upon a student, any financial or educational benefit or burden, in violation of the fifth or 14th amendments to the Constitution or other law relating to discrimination in the provision of federally funded programs or activities.

SEC. 8534. [20 U.S.C. 7914] CIVIL RIGHTS.

(a) IN GENERAL.—Nothing in this Act shall be construed to permit discrimination on the basis of race, color, religion, sex (except as otherwise permitted under title IX of the Education Amendments of 1972), national origin, or disability in any program funded under this Act.

(b) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to require the disruption of services to a child or the displacement of a child enrolled in or participating in a program administered by an eligible entity, as defined in section 1111(d) of title I and part C of title IV, at the commencement of the entity's participation in a grant under section 1111(d) of title I or part C of title IV.

SEC. 8535. [20 U.S.C. 7915] RULEMAKING.

The Secretary shall issue regulations under this Act only to the extent that such regulations are necessary to ensure that there is compliance with the specific requirements and assurances required by this Act.

SEC. 8536. [20 U.S.C. 7916] SEVERABILITY.

If any provision of this Act is held invalid, the remainder of this Act shall be unaffected thereby.

SEC. 8537. [20 U.S.C. 7917] TRANSFER OF SCHOOL DISCIPLINARY RECORDS.

(a) **NONAPPLICATION OF PROVISIONS.**—This section shall not apply to any disciplinary records with respect to a suspension or expulsion that are transferred from a private, parochial or other nonpublic school, person, institution, or other entity, that provides education below the college level.

(b) **DISCIPLINARY RECORDS.**—In accordance with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. 1232g), not later than 2 years after the date of enactment of this part, each State receiving Federal funds under this Act shall provide an assurance to the Secretary that the State has a procedure in place to facilitate the transfer of disciplinary records, with respect to a suspension or expulsion, by local educational agencies to any private or public elementary school or secondary school for any student who is enrolled or seeks, intends, or is instructed to enroll, on a full or part-time basis, in the school.

SEC. 8538. [20 U.S.C. 7918] CONSULTATION WITH INDIAN TRIBES AND TRIBAL ORGANIZATIONS.

(a) **IN GENERAL.**—To ensure timely and meaningful consultation on issues affecting American Indian and Alaska Native students, an affected local educational agency shall consult with appropriate officials from Indian tribes or tribal organizations approved by the tribes located in the area served by the local educational agency prior to the affected local educational agency's submission of a required plan or application for a covered program under this Act or for a program under title VI of this Act. Such consultation shall be done in a manner and in such time that provides the opportunity for such appropriate officials from Indian tribes or tribal organizations to meaningfully and substantively contribute to such plan.

(b) **DOCUMENTATION.**—Each affected local educational agency shall maintain in the agency's records and provide to the State educational agency a written affirmation signed by the appropriate officials of the participating tribes or tribal organizations approved by the tribes that the consultation required by this section has occurred. If such officials do not provide such affirmation within a reasonable period of time, the affected local educational agency shall forward documentation that such consultation has taken place to the State educational agency.

(c) **DEFINITIONS.**—In this section:

(1) **AFFECTED LOCAL EDUCATIONAL AGENCY.**—The term "affected local educational agency" means a local educational agency—

(A) with an enrollment of American Indian or Alaska Native students that is not less than 50 percent of the total enrollment of the local educational agency; or

(B) that—

- (i) for fiscal year 2017, received a grant in the previous year under subpart 1 of part A of title VII (as such subpart was in effect on the day before the date of enactment of the Every Student Succeeds Act) that exceeded \$40,000; or
- (ii) for any fiscal year following fiscal year 2017, received a grant in the previous fiscal year under subpart 1 of part A of title VI that exceeded \$40,000.

- (2) **APPROPRIATE OFFICIALS.**—The term "appropriate officials" means—
- (A) tribal officials who are elected; or
 - (B) appointed tribal leaders or officials designated in writing by an Indian tribe for the specific consultation purpose under this section.
- (d) **RULE OF CONSTRUCTION.**—Nothing in this section shall be construed—
- (1) to require the local educational agency to determine who are the appropriate officials; or
 - (2) to make the local educational agency liable for consultation with appropriate officials that the tribe determines not to be the correct appropriate officials.
- (e) **LIMITATION.**—Consultation required under this section shall not interfere with the timely submission of the plans or applications required under this Act.

SEC. 8539. [20 U.S.C. 7919] OUTREACH AND TECHNICAL ASSISTANCE FOR RURAL LOCAL EDUCATIONAL AGENCIES.

- (a) **OUTREACH.**—The Secretary shall engage in outreach to rural local educational agencies regarding opportunities to apply for competitive grant programs under this Act.
- (b) **TECHNICAL ASSISTANCE.**—If requested to do so, the Secretary shall provide technical assistance to rural local educational agencies with locale codes 32, 33, 41, 42, or 43, or an educational service agency representing rural local educational agencies with locale codes 32, 33, 41, 42, or 43 on applications or pre-applications for any competitive grant program under this Act. No rural local educational agency or educational service agency shall be required to request technical assistance or include any technical assistance provided by the Secretary in any application.

SEC. 8540. [20 U.S.C. 7920] CONSULTATION WITH THE GOVERNOR.

- (a) **IN GENERAL.**—A State educational agency shall consult in a timely and meaningful manner with the Governor, or appropriate officials from the Governor's office, in the development of State plans under titles I and II and section 8302.
- (b) **TIMING.**—The consultation described in subsection (a) shall include meetings of officials from the State educational agency and the Governor's office and shall occur—
- (1) during the development of such plan; and
 - (2) prior to submission of the plan to the Secretary.
- (c) **JOINT SIGNATURE AUTHORITY.**—A Governor shall have 30 days prior to the State educational agency submitting the State plan under title I or II or section 8302 to the Secretary to sign such plan. If the Governor has not signed the plan within 30 days of delivery by the State educational agency to the Governor, the State educational agency shall submit the plan to the Secretary without such signature.

SEC. 8541. [20 U.S.C. 7921] LOCAL GOVERNANCE.

- (a) **RULE OF CONSTRUCTION.**—Nothing in this Act shall be construed to allow the Secretary to—
- (1) exercise any governance or authority over school administration, including the development and expenditure of school budgets, unless otherwise authorized under this Act;
 - (2) issue any regulation without first complying with the rulemaking requirements of section 553 of title 5, United States Code; or
 - (3) issue any nonregulatory guidance without first, to the extent feasible, considering input from stakeholders.

(b) **AUTHORITY UNDER OTHER LAW.**—Nothing in subsection (a) shall be construed to affect any authority the Secretary has under any other Federal law.

SEC. 8542. [20 U.S.C. 7922] RULE OF CONSTRUCTION REGARDING TRAVEL TO AND FROM SCHOOL.

(a) **IN GENERAL.**—Subject to subsection (b), nothing in this Act shall authorize the Secretary to, or shall be construed to—

(1) prohibit a child from traveling to and from school on foot or by car, bus, or bike when the parents of the child have given permission; or

(2) expose parents to civil or criminal charges for allowing their child to responsibly and safely travel to and from school by a means the parents believe is age appropriate.

(b) **NO PREEMPTION OF STATE OR LOCAL LAWS.**—Notwithstanding subsection (a), nothing in this section shall be construed to preempt State or local laws.

SEC. 8543. [20 U.S.C. 7923] LIMITATIONS ON SCHOOL-BASED HEALTH CENTERS.

Notwithstanding section 8102, funds used for activities under this Act shall be carried out in accordance with the provision of section 399z-1(a)(3)(C) of the Public Health Service Act (42 U.S.C. 280h-5(a)(3)(C)).

SEC. 8544. [20 U.S.C. 7924] STATE CONTROL OVER STANDARDS.

(a) **IN GENERAL.**—Nothing in this Act shall be construed to prohibit a State from withdrawing from the Common Core State Standards or from otherwise revising their standards.

(b) **PROHIBITION.**—No officer or employee of the Federal Government shall, directly or indirectly, through grants, contracts or other cooperative agreements, through waiver granted under section 8401 or through any other authority, take any action against a State that exercises its rights under subsection (a).

SEC. 8545. [20 U.S.C. 7925] SENSE OF CONGRESS ON PROTECTING STUDENT PRIVACY.

(a) **FINDINGS.**—The Congress finds as follows:

(1) Students' personally identifiable information is important to protect.

(2) Students' information should not be shared with individuals other than school officials in charge of educating those students without clear notice to parents.

(3) With the use of more technology, and more research about student learning, the responsibility to protect students' personally identifiable information is more important than ever.

(4) Regulations allowing more access to students' personal information could allow that information to be shared or sold by individuals who do not have the best interest of the students in mind.

(5) The Secretary has the responsibility to ensure every entity that receives funding under this Act holds any personally identifiable information in strict confidence.

(b) **SENSE OF CONGRESS.**—It is the sense of the Congress that the Secretary should review all regulations addressing issues of student privacy, including those under this Act, and ensure that students' personally identifiable information is protected.

SEC. 8546. [20 U.S.C. 7926] PROHIBITION ON AIDING AND ABETTING SEXUAL ABUSE.

(a) **IN GENERAL.**—A State, State educational agency, or local educational agency in the case of a local educational agency that receives Federal funds under this Act shall have laws, regulations, or policies that prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee, contractor, or agent in obtaining a new job, apart from the routine transmission of administrative and personnel

files, if the individual or agency knows, or has probable cause to believe, that such school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law.

(b) EXCEPTION.—The requirements of subsection (a) shall not apply if the information giving rise to probable cause—

(c) (1)(A) has been properly reported to a law enforcement agency with jurisdiction over the alleged misconduct; and

(B) has been properly reported to any other authorities as required by Federal, State, or local law, including title IX of the Education Amendments of 1972 (20 U.S.C. 1681 et seq.) and the regulations implementing such title under part 106 of title 34, Code of Federal Regulations, or any succeeding regulations; and

(2)(A) the matter has been officially closed or the prosecutor or police with jurisdiction over the alleged misconduct has investigated the allegations and notified school officials that there is insufficient information to establish probable cause that the school employee, contractor, or agent engaged in sexual misconduct regarding a minor or student in violation of the law;

(B) the school employee, contractor, or agent has been charged with, and acquitted or otherwise exonerated of the alleged misconduct; or

(C) the case or investigation remains open and there have been no charges filed against, or indictment of, the school employee, contractor, or agent within 4 years of the date on which the information was reported to a law enforcement agency.

(d) PROHIBITION.—The Secretary shall not have the authority to mandate, direct, or control the specific measures adopted by a State, State educational agency, or local educational agency under this section.

(e) CONSTRUCTION.—Nothing in this section shall be construed to prevent a State from adopting, or to override a State law, regulation, or policy that provides, greater or additional protections to prohibit any individual who is a school employee, contractor, or agent, or any State educational agency or local educational agency, from assisting a school employee who engaged in sexual misconduct regarding a minor or student in violation of the law in obtaining a new job.

SEC. 8547. [20 U.S.C. 7927] SENSE OF CONGRESS ON RESTORATION OF STATE SOVEREIGNTY OVER PUBLIC EDUCATION.

It is the Sense of Congress that State and local officials should be consulted and made aware of the requirements that accompany participation in activities authorized under this Act prior to a State or local educational agency's request to participate in such activities.

SEC. 8548. [20 U.S.C. 7928] PRIVACY.

The Secretary shall require an assurance that each grantee receiving funds under this Act understands the importance of privacy protections for students and is aware of the responsibilities of the grantee under section 444 of the General Education Provisions Act (20 U.S.C. 1232g) (commonly known as the "Family Education Rights and Privacy Act of 1974").

SEC. 8549. [20 U.S.C. 7929] ANALYSIS AND PERIODIC REVIEW OF DEPARTMENTAL GUIDANCE.

The Secretary shall develop procedures for the approval and periodic review of significant guidance documents that include—

(1) appropriate approval processes within the Department;

(2) appropriate identification of the agency or office issuing the documents, the activities to which and the persons to whom the documents apply, and the date of issuance;

- (3) a publicly available list to identify those significant guidance documents that were issued, revised, or withdrawn within the past year; and
- (4) an opportunity for the public to request that an agency modify or rescind an existing significant guidance document.

SEC. 8549A [20 U.S.C. 7930] SENSE OF CONGRESS.

(a) FINDINGS.—The Congress finds as follows:

(1) This Act prohibits the Federal Government from mandating, directing, or controlling a State, local educational agency, or school's curriculum, program of instruction, or allocation of State and local resources, and from mandating a State or any subdivision thereof to spend any funds or incur any costs not paid for under this Act.

(2) This Act prohibits the Federal Government from funding the development, pilot testing, field testing, implementation, administration, or distribution of any federally sponsored national test in reading, mathematics, or any other subject, unless specifically and explicitly authorized by law.

(b) SENSE OF CONGRESS.—It is the sense of the Congress that States and local educational agencies retain the rights and responsibilities of determining educational curriculum, programs of instruction, and assessments for elementary and secondary education.

SEC. 8549B. [20 U.S.C. 7931] SENSE OF CONGRESS ON EARLY LEARNING AND CHILD CARE.

It is the Sense of the Congress that a State retains the right to make decisions, free from Federal intrusion, concerning its system of early learning and child care, and whether or not to use funding under this Act to offer early childhood education programs. Such systems should continue to include robust choice for parents through a mixed delivery system of services so parents can determine the right early learning and child care option for their children. States, while protecting the rights of early learning and child care providers, retain the right to make decisions that shall include the age at which to set compulsory attendance in school, the content of a State's early learning guidelines, and how to determine quality in programs.

SEC. 8549C. [20 U.S.C. 7932] TECHNICAL ASSISTANCE.

If requested by a State or local educational agency, a regional educational laboratory under part D of the Education Sciences Reform Act of 2002 (20 U.S.C. 9561 et seq.) shall provide technical assistance to such State or local educational agency in meeting the requirements of section 8101(21).

Subpart 3—Teacher Liability Protection

SEC. 8551. [20 U.S.C. 7941] SHORT TITLE.

This subpart may be cited as the "Paul D. Coverdell Teacher Protection Act of 2001".

SEC. 8552. [20 U.S.C. 7942] PURPOSE.

The purpose of this subpart is to provide teachers, principals, and other school professionals the tools they need to undertake reasonable actions to maintain order, discipline, and an appropriate educational environment.

SEC. 8553. [20 U.S.C. 7943] DEFINITIONS.

For purposes of this subpart:

(1) ECONOMIC LOSS.—The term "economic loss" means any pecuniary loss resulting from harm (including the loss of earnings or other benefits related to employment, medical expense loss, replacement services loss, loss due to death, burial costs, and loss of business or

employment opportunities) to the extent recovery for such loss is allowed under applicable State law.

(2) HARM.—The term "harm" includes physical, nonphysical, economic, and noneconomic losses.

(3) NONECONOMIC LOSS.—The term "noneconomic loss" means loss for physical or emotional pain, suffering, inconvenience, physical impairment, mental anguish, disfigurement, loss of enjoyment of life, loss of society or companionship, loss of consortium (other than loss of domestic service), hedonic damages, injury to reputation, or any other nonpecuniary loss of any kind or nature.

(4) SCHOOL.—The term "school" means a public or private kindergarten, a public or private elementary school or secondary school, or a home school.

(5) STATE.—The term "State" means each of the several States of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands, Guam, American Samoa, the Commonwealth of the Northern Mariana Islands, any other territory or possession of the United States, or any political subdivision of any such State, territory, or possession.

(6) TEACHER.—The term "teacher" means—

(A) a teacher, instructor, principal, or administrator;

(B) another educational professional who works in a school;

(C) a professional or nonprofessional employee who—

(i) works in a school; and

(ii)(I) in the employee's job, maintains discipline or ensures safety; or

(II) in an emergency, is called on to maintain discipline or ensure safety; or

(D) an individual member of a school board (as distinct from the board).

SEC. 8554. [20 U.S.C. 7944] APPLICABILITY.

This subpart shall only apply to States that receive funds under this Act, and shall apply to such a State as a condition of receiving such funds.

SEC. 8555. [20 U.S.C. 7945] PREEMPTION AND ELECTION OF STATE NONAPPLICABILITY.

(a) PREEMPTION.—This subpart preempts the laws of any State to the extent that such laws are inconsistent with this subpart, except that this subpart shall not preempt any State law that provides additional protection from liability relating to teachers.

(b) ELECTION OF STATE REGARDING NONAPPLICABILITY.—This subpart shall not apply to any civil action in a State court against a teacher with respect to claims arising within that State if such State enacts a statute in accordance with State requirements for enacting legislation—

(1) citing the authority of this subsection;

(2) declaring the election of such State that this subpart shall not apply, as of a date certain, to such civil action in the State; and

(3) containing no other provisions.

SEC. 8556. [20 U.S.C. 7946] LIMITATION ON LIABILITY FOR TEACHERS.

(a) LIABILITY PROTECTION FOR TEACHERS.—Except as provided in subsection (b), no teacher in a school shall be liable for harm caused by an act or omission of the teacher on behalf of the school if—

(1) the teacher was acting within the scope of the teacher's employment or responsibilities to a school or governmental entity;

(2) the actions of the teacher were carried out in conformity with Federal, State, and local laws (including rules and regulations) in furtherance of efforts to control, discipline, expel, or

- suspend a student or maintain order or control in the classroom or school;
- (3) if appropriate or required, the teacher was properly licensed, certified, or authorized by the appropriate authorities for the activities or practice involved in the State in which the harm occurred, where the activities were or practice was undertaken within the scope of the teacher's responsibilities;
- (4) the harm was not caused by willful or criminal misconduct, gross negligence, reckless misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed by the teacher; and
- (5) the harm was not caused by the teacher operating a motor vehicle, vessel, aircraft, or other vehicle for which the State requires the operator or the owner of the vehicle, craft, or vessel to

-
- (A) possess an operator's license; or
- (B) maintain insurance.

(b) EXCEPTIONS TO TEACHER LIABILITY PROTECTION.—If the laws of a State limit teacher liability subject to one or more of the following conditions, such conditions shall not be construed as inconsistent with this section:

- (1) A State law that requires a school or governmental entity to adhere to risk management procedures, including mandatory training of teachers.
- (2) A State law that makes the school or governmental entity liable for the acts or omissions of its teachers to the same extent as an employer is liable for the acts or omissions of its employees.
- (3) A State law that makes a limitation of liability inapplicable if the civil action was brought by an officer of a State or local government pursuant to State or local law.

(c) LIMITATION ON PUNITIVE DAMAGES BASED ON THE ACTIONS OF TEACHERS.—

- (1) GENERAL RULE.—Punitive damages may not be awarded against a teacher in an action brought for harm based on the act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity unless the claimant establishes by clear and convincing evidence that the harm was proximately caused by an act or omission of such teacher that constitutes willful or criminal misconduct, or a conscious, flagrant indifference to the rights or safety of the individual harmed.
- (2) CONSTRUCTION.—Paragraph (1) does not create a cause of action for punitive damages and does not preempt or supersede any Federal or State law to the extent that such law would further limit the award of punitive damages.

(d) EXCEPTIONS TO LIMITATIONS ON LIABILITY.—

- (1) IN GENERAL.—The limitations on the liability of a teacher under this subpart shall not apply to any misconduct that—

- (A) constitutes a crime of violence (as that term is defined in section 16 of title 18, United States Code) or act of international terrorism (as that term is defined in section 2331 of title 18, United States Code) for which the defendant has been convicted in any court;
- (B) involves a sexual offense, as defined by applicable State law, for which the defendant has been convicted in any court;
- (C) involves misconduct for which the defendant has been found to have violated a Federal or State civil rights law; or
- (D) where the defendant was under the influence (as determined pursuant to applicable State law) of intoxicating alcohol or any drug at the time of the misconduct.

(2) HIRING.—The limitations on the liability of a teacher under this subpart shall not apply to misconduct during background investigations, or during other actions, involved in the hiring of a teacher.

(e) RULES OF CONSTRUCTION.—

(1) CONCERNING RESPONSIBILITY OF TEACHERS TO SCHOOLS AND GOVERNMENTAL ENTITIES.— Nothing in this section shall be construed to affect any civil action brought by any school or any governmental entity against any teacher of such school.

(2) CONCERNING CORPORAL PUNISHMENT.—Nothing in this subpart shall be construed to affect any State or local law (including a rule or regulation) or policy pertaining to the use of corporal punishment.

SEC. 8557. [20 U.S.C. 7947] ALLOCATION OF RESPONSIBILITY FOR NONECONOMIC LOSS.

(a) GENERAL RULE.—In any civil action against a teacher, based on an act or omission of a teacher acting within the scope of the teacher's employment or responsibilities to a school or governmental entity, the liability of the teacher for noneconomic loss shall be determined in accordance with subsection (b).

(b) AMOUNT OF LIABILITY.—

(1) IN GENERAL.—

(A) LIABILITY.—Each defendant who is a teacher shall be liable only for the amount of noneconomic loss allocated to that defendant in direct proportion to the percentage of responsibility of that defendant (determined in accordance with paragraph (2)) for the harm to the claimant with respect to which that defendant is liable.

(B) SEPARATE JUDGMENT.—The court shall render a separate judgment against each defendant in an amount determined pursuant to subparagraph (A).

(2) PERCENTAGE OF RESPONSIBILITY.—For purposes of determining the amount of noneconomic loss allocated to a defendant who is a teacher under this section, the trier of fact shall determine the percentage of responsibility of each person responsible for the claimant's harm, whether or not such person is a party to the action.

(c) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to preempt or supersede any Federal or State law that further limits the application of joint liability in a civil action described in subsection (a), beyond the limitations established in this section.

SEC. 8558. [20 U.S.C. 7948] EFFECTIVE DATE.

(a) IN GENERAL.—This subpart shall take effect 90 days after the date of enactment of the No Child Left Behind Act of 2001.

(b) APPLICATION.—This subpart applies to any claim for harm caused by an act or omission of a teacher if that claim is filed on or after the effective date of the No Child Left Behind Act of 2001 without regard to whether the harm that is the subject of the claim or the conduct that caused the harm occurred before such effective date.

Subpart 4—Gun Possession

SEC. 8561. [20 U.S.C. 7961] GUN-FREE REQUIREMENTS.

(a) SHORT TITLE.—This subpart may be cited as the "Gun-Free Schools Act".

(b) REQUIREMENTS.—

(1) IN GENERAL.—Each State receiving Federal funds under any title of this Act shall have in effect a State law requiring local educational agencies to expel from school for a period of not less than 1 year a student who is determined to have brought a firearm to a school, or to have possessed a firearm at a school, under the jurisdiction of local educational agencies in that State, except that such State law shall allow the chief administering officer of a local educational agency to modify such expulsion requirement for a student on a case-by-case basis if such modification is in writing.

(2) CONSTRUCTION.—Nothing in this subpart shall be construed to prevent a State from allowing a local educational agency that has expelled a student from such a student's regular school setting from providing educational services to such student in an alternative setting.

(3) DEFINITION.—For the purpose of this section, the term "firearm" has the same meaning given such term in section 921(a) of title 18, United States Code.

(c) SPECIAL RULE.—The provisions of this section shall be construed in a manner consistent with the Individuals with Disabilities Education Act.

(d) REPORT TO STATE.—Each local educational agency requesting assistance from the State educational agency that is to be provided from funds made available to the State under any title of this Act shall provide to the State, in the application requesting such assistance—

(1) an assurance that such local educational agency is in compliance with the State law required by subsection (b); and

(2) a description of the circumstances surrounding any expulsions imposed under the State law required by subsection (b), including—

(A) the name of the school concerned;

(B) the number of students expelled from such school; and

(C) the type of firearms concerned.

(e) REPORTING.—Each State shall report the information described in subsection (d) to the Secretary on an annual basis.

(f) DEFINITION.—For the purpose of subsection (d), the term "school" means any setting that is under the control and supervision of the local educational agency for the purpose of student activities approved and authorized by the local educational agency.

(g) EXCEPTION.—Nothing in this section shall apply to a firearm that is lawfully stored inside a locked vehicle on school property, or if it is for activities approved and authorized by the local educational agency and the local educational agency adopts appropriate safeguards to ensure student safety.

(h) POLICY REGARDING CRIMINAL JUSTICE SYSTEM REFERRAL.—

(1) IN GENERAL.—No funds shall be made available under any title of this Act to any local educational agency unless such agency has a policy requiring referral to the criminal justice or juvenile delinquency system of any student who brings a firearm or weapon to a school served by such agency.

(2) DEFINITION.—For the purpose of this subsection, the term "school" has the same meaning given to such term by section 921(a) of title 18, United States Code.

Subpart 5—Environmental Tobacco Smoke

SEC. 8571. [20 U.S.C. 7971] SHORT TITLE.

This part may be cited as the "Pro-Children Act of 2001".

SEC. 8572. [20 U.S.C. 7972] DEFINITIONS.

As used in this part:

(1) CHILDREN.—The term "children" means individuals who have not attained the age of 18.

(2) CHILDREN'S SERVICES.—The term "children's services" means the provision on a routine or regular basis of health, day care, education, or library services—

(A) that are funded, after the date of enactment of the No Child Left Behind Act of 2001, directly by the Federal Government or through State or local governments, by Federal grant, loan, loan guarantee, or contract programs—

(i) administered by either the Secretary of Health and Human Services or the Secretary of Education (other than services provided and funded solely under titles XVIII and XIX

of the Social Security Act); or

(ii) administered by the Secretary of Agriculture in the case of a clinic (as defined in part 246.2 of title 7, Code of Federal Regulations (or any corresponding similar regulation or ruling)) under section 17(b)(6) of the Child Nutrition Act of 1966; or

(B) that are provided in indoor facilities that are constructed, operated, or maintained with such Federal funds, as determined by the appropriate head of a Federal agency in any enforcement action carried out under this part, except that nothing in clause (ii) of subparagraph (A) is intended to include facilities (other than clinics) where coupons are redeemed under the Child Nutrition Act of 1966.

(3) INDOOR FACILITY.—The term "indoor facility" means a building that is enclosed.

(4) PERSON.—The term "person" means any State or local subdivision of a State, agency of such State or subdivision, corporation, or partnership that owns or operates or otherwise controls and provides children's services or any individual who owns or operates or otherwise controls and provides such services.

(5) SECRETARY.—The term "Secretary" means the Secretary of Health and Human Services.

SEC. 8573. [20 U.S.C. 7973] NONSMOKING POLICY FOR CHILDREN'S SERVICES.

(a) PROHIBITION.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility owned or leased or contracted for, and utilized, by such person for provision of routine or regular kindergarten, elementary, or secondary education or library services to children.

(b) ADDITIONAL PROHIBITION.—

(1) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no person shall permit smoking within any indoor facility (or portion of such a facility) owned or leased or contracted for, and utilized by, such person for the provision of regular or routine health care or day care or early childhood education programs.

(2) EXCEPTION.—Paragraph (1) shall not apply to—

(A) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(B) any private residence.

(c) FEDERAL AGENCIES.—

(1) KINDERGARTEN, ELEMENTARY, OR SECONDARY EDUCATION OR LIBRARY SERVICES.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility in the United States operated by such agency, directly or by contract, to provide routine or regular kindergarten, elementary, or secondary education or library services to children.

(2) HEALTH OR DAY CARE OR EARLY CHILDHOOD EDUCATION PROGRAMS.—

(A) IN GENERAL.—After the date of enactment of the No Child Left Behind Act of 2001, no Federal agency shall permit smoking within any indoor facility (or portion of such facility) operated by such agency, directly or by contract, to provide routine or regular health or day care or early childhood education programs to children.

(B) EXCEPTION.—Subparagraph (A) shall not apply to—

(i) any portion of such facility that is used for inpatient hospital treatment of individuals dependent on, or addicted to, drugs or alcohol; and

(ii) any private residence.

(3) APPLICATION OF PROVISIONS.—The provisions of paragraph (2) shall also apply to the provision of such routine or regular kindergarten, elementary or secondary education or library services in the facilities described in paragraph (2) not subject to paragraph (1).

(b) NOTICE.—The prohibitions in subsections (a) through (c) shall be published in a notice in the Federal Register by the Secretary (in consultation with the heads of other affected agencies) and by such agency heads in funding arrangements involving the provision of children's services administered by such heads. Such prohibitions shall be effective 90 days after such notice is published, or 270 days after the date of enactment of the No Child Left Behind Act of 2001, whichever occurs first.

(c) CIVIL PENALTIES.—

(1) IN GENERAL.—Any failure to comply with a prohibition in this section shall be considered to be a violation of this section and any person subject to such prohibition who commits such violation may be liable to the United States for a civil penalty in an amount not to exceed \$1,000 for each violation, or may be subject to an administrative compliance order, or both, as determined by the Secretary. Each day a violation continues shall constitute a separate violation. In the case of any civil penalty assessed under this section, the total amount shall not exceed 50 percent of the amount of Federal funds received under any title of this Act by such person for the fiscal year in which the continuing violation occurred. For the purpose of the prohibition in subsection (c), the term "person", as used in this paragraph, shall mean the head of the applicable Federal agency or the contractor of such agency providing the services to children.

(2) ADMINISTRATIVE PROCEEDING.—A civil penalty may be assessed in a written notice, or an administrative compliance order may be issued under paragraph (1), by the Secretary only after an opportunity for a hearing in accordance with section 554 of title 5, United States Code. Before making such assessment or issuing such order, or both, the Secretary shall give written notice of the assessment or order to such person by certified mail with return receipt and provide information in the notice of an opportunity to request in writing, not later than 30 days after the date of receipt of such notice, such hearing. The notice shall reasonably describe the violation and be accompanied with the procedures for such hearing and a simple form that may be used to request such hearing if such person desires to use such form. If a hearing is requested, the Secretary shall establish by such certified notice the time and place for such hearing, which shall be located, to the greatest extent possible, at a location convenient to such person. The Secretary (or the Secretary's designee) and such person may consult to arrange a suitable date and location where appropriate.

(3) CIRCUMSTANCES AFFECTING PENALTY OR ORDER.—In determining the amount of the civil penalty or the nature of the administrative compliance order, the Secretary shall take into account, as appropriate—

(A) the nature, circumstances, extent, and gravity of the violation;

(B) with respect to the violator, any good faith efforts to comply, the importance of achieving early and permanent compliance, the ability to pay or comply, the effect of the penalty or order on the ability to continue operation, any prior history of the same kind of violation, the degree of culpability, and any demonstration of willingness to comply with the prohibitions of this section in a timely manner; and

(C) such other matters as justice may require.

(4) MODIFICATION.—The Secretary may, as appropriate, compromise, modify, or remit, with or without conditions, any civil penalty or administrative compliance order. In the case of a civil penalty, the amount, as finally determined by the Secretary or agreed upon in compromise, may be deducted from any sums that the United States or the agencies or instrumentalities of the United States owe to the person against whom the penalty is assessed.

(5) PETITION FOR REVIEW.—Any person aggrieved by a penalty assessed or an order issued, or both, by the Secretary under this section may file a petition for judicial review of the order with the United States Court of Appeals for the District of Columbia Circuit or for any other circuit in which the person resides or transacts business. Such person shall provide a copy of the petition to the Secretary or the Secretary's designee. The petition shall be filed within 30 days after the Secretary's assessment or order, or both, are final and have been provided to such person by certified mail. The Secretary shall

promptly provide to the court a certified copy of the transcript of any hearing held under this section and a copy of the notice or order.

(6) FAILURE TO COMPLY.—If a person fails to pay an assessment of a civil penalty or comply with an order, after the assessment or order, or both, are final under this section, or after a court has entered a final judgment under paragraph (5) in favor of the Secretary, the Attorney General, at the request of the Secretary, shall recover the amount of the civil penalty (plus interest at prevailing rates from the day the assessment or order, or both, are final) or enforce the order in an action brought in the appropriate district court of the United States. In such action, the validity and appropriateness of the penalty or order or the amount of the penalty shall not be subject to review.

SEC. 8574. [20 U.S.C. 7974] PREEMPTION.

Nothing in this part is intended to preempt any provision of law of a State or political subdivision of a State that is more restrictive than a provision of this part.

PART G—EVALUATIONS

SEC. 8601. [20 U.S.C. 7981] EVALUATIONS.

(a) RESERVATION OF FUNDS.—Except as provided in subsection [31A] (b) and (e), the Secretary, in consultation with the Director of the Institute of Education Sciences, may reserve not more than 0.5 percent of the amount appropriated for each program authorized under this Act to carry out activities under this section. If the Secretary elects to make a reservation under this subsection, the reserved amounts—

(1) shall first be used by the Secretary, acting through the Director of the Institute of Education Sciences, to—

(A) conduct comprehensive, high-quality evaluations of the programs that—

(i) are consistent with the evaluation plan under subsection (d); and

(ii) primarily include impact evaluations that use experimental or quasi-experimental designs, where practicable and appropriate, and other rigorous methodologies that permit the strongest possible causal inferences;

(B) conduct studies of the effectiveness of the programs and the administrative impact of the programs on schools and local educational agencies; and

(C) widely disseminate evaluation findings under this section related to programs authorized under this Act—

(i) in a timely fashion;

(ii) in forms that are understandable, easily accessible, usable, and adaptable for use in the improvement of educational practice;

(iii) through electronic transfer and other means, such as posting, as available, to the websites of State educational agencies, local educational agencies, the Institute of Education Sciences, or the Department, or in another relevant place; and

(iv) in a manner that promotes the utilization of such findings; and

(2) may be used by the Secretary, acting through the Director of the Institute of Education Sciences—

(A) to evaluate the aggregate short- and long-term effects and cost efficiencies across—

(i) Federal programs assisted or authorized under this Act; and

(ii) related Federal early childhood education programs, preschool programs, elementary school programs, and secondary school programs, under any other Federal law;

(B) to increase the usefulness of the evaluations conducted under this section by improving the quality, timeliness, efficiency, and use of information relating to performance to promote continuous improvement of programs assisted or authorized under this Act; and

- (C) to assist recipients of grants under such programs in collecting and analyzing data and other activities related to conducting high-quality evaluations under paragraph (1).
- (b) TITLE I.—The Secretary, acting through the Director of the Institute of Education Sciences, shall use funds authorized under section 1002(e) to carry out evaluation activities under this section related to title I, and shall not reserve any other money from such title for evaluation.
- (c) CONSOLIDATION.—Notwithstanding any other provision of this section or section 1002(e), the Secretary, in consultation with the Director of the Institute of Education Sciences—
- (1) may consolidate the funds reserved under subsections (a) and (b) for purposes of carrying out the activities under subsection (a)(1); and
 - (2) shall not be required to evaluate under subsection (a)(1) each program authorized under this Act each year.
- (d) EVALUATION PLAN.—The Director of the Institute of Education Sciences, shall, on a biennial basis, develop, submit to Congress, and make publicly available an evaluation plan, that—
- (1) describes the specific activities that will be carried out under subsection (a) for the 2-year period applicable to the plan, and the timelines of such activities;
 - (2) contains the results of the activities carried out under subsection (a) for the most recent 2-year period; and
 - (3) describes how programs authorized under this Act will be regularly evaluated.
- (e) EVALUATION ACTIVITIES AUTHORIZED ELSEWHERE.—If, under any other provision of this Act, funds are authorized to be reserved or used for evaluation activities with respect to a program, the Secretary may not reserve additional funds under this section for the evaluation of that program.

Footnotes

- [14] So in law. Subparagraphs (A) and (B) (as added by section 8013(6) of Public Law 114–95) should be redesignated as paragraphs (1) and (2) and the margins should be moved to the left.
- [15] The placement of paragraphs (5) and (6) at the end of subsection (c) reflects the probable intent of Congress. See the amendment made by section 8015(4) of Public Law 114–95, which technically adds these paragraphs at the end of the section.
- [16] The amendment made by section 8022(1) of Public Law 114–95 to the section heading for section 8526 (as redesignated) executed above probably should have included a period at the end of the inserted matter.
- [17] There is a corresponding provision of section 8528 that exists in section 503(c) of title 10, United States Code.
- [18] The amendment made by section 8027(2) of Public Law 114–95 probably should have specified subsection (a) in the instructions. Such amendment was executed in subsection (a) in order to reflect the probable intent of Congress.
- [27A] So in original. Probably should be "an".
- [28A] So in original. Probably should be "an".
- [29A] So in original. Probably should be "of".
- [29B] So in original. Probably should be capitalized.
- [31A] So in original. Probably should be "subsections".

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From: Robert Stevens

Sent: Tuesday, May 18, 2021 5:16 PM

To: Rep55; Rep66; Rep88; Rep99; Rep95; Rep79; Rep84; Rep75; Rep86; Rep89; Rep04

Subject: H.B.73

I realize I am late but still, I want to urge defeat of H.B.73.

The Bill threatens to kill the requirement of Constitutional studies in the Ohio classroom from grades 8-12. Ohio currently requires the teaching of the Founding Documents of our Republic with an end-of-course exam that assures the subject matter has been taught. But the Bill would reduce learning about American government and American history, and I am led to believe that American history will be replaced by something called critical race theory.

Our students need to understand MORE about our founding documents and MORE about American history, not marxist propaganda designed to teach them to hate America. Please consider how this Bill would adversely affect the learning and attitude of this and future generations of students, to say nothing of forcing teachers to teach something that is known to be wrong, and vote to defeat Bill 73.

Thank you.

Robert Stevens
Cincinnati

From: Dean Kocian
Sent: Tuesday, May 18, 2021 11:04 PM
To: Rep95
Subject: Please STOP HB 73. Thank you.

Dear Representative Jones,
I oppose H.B. 73, and I urge you to oppose it, too. H.B. 73 would eliminate the end of course exams for American Government and American History. Ohio's current curriculum requirement of teaching American Government and American History in grades 8-12 is a success story. That success is due to the passage of S.B. 165, known as the Founding of America Documents Curriculum, in the 129th General Assembly in 2012. It requires the teaching of our Founding Documents, namely The U.S. Constitution with an emphasis on The Bill of Rights, The Northwest Ordinance, The Declaration of Independence, The Ohio Constitution, and the Federalist and Anti-Federalist papers in grades 8-12, with a half credit hour for American Government and a half credit hour for American History, with an end of course exam for each. This curriculum instructs our students about their rights and privileges in this representative form of government. Ohio high school students in recent years have scored higher proficiency test rates in American History and American Government than their counterparts in other states. This is due to the current curriculum, and the end of course exam requirement in both American Government and American History is the guarantee that the curriculum will be taught. At a time when our nation's institutions are under assault and are being torn down, it makes no sense that the 134th General Assembly would even be considering reducing class instruction of our American History and American Government. Therefore, I urge you to oppose

H.B. 73 that would diminish Constitutional Studies in the Ohio classroom.

I also strongly oppose the 1619 project and the teaching of Critical Race Theory (CRT) in any Ohio K-12 state school or state supported university. The factual sloppiness and lack of any reference notes in the NY Times expose that kicked off CRT is indicative of so many collectivist/Marxist élites' attempts to destroy our constitutional republic. Slavery was endemic in the world, especially among black Muslim slave traders across the continent of Africa and with native Americans in North/South America long before the British colonies in North America came to be. The Mayflower Compact of 1620 was the start of self-government in what became the United States of America and supporters of CRT have provided no references to archival documents that prove otherwise!

Sincerely,
Dean Kocian
Beavercreek, OH 45440

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;
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Rep95; Rep96; Rep97; Rep98; Rep99

Subject: Critical Race Theory (CRT) Bill Sponsor Request...

Attachments: Heritage Foundation - Critical Race Theory.pdf; 1_134_1448-1.pdf

Republican House Members:

If you are not currently a sponsor, Ohio Value Voters is respectfully requesting your sponsorship of a Critical Race Theory (CRT) bill (attachment) which is jointly sponsored by Rep. Diane Grendell and Rep. Sarah Fowler Arthur. This bill will prohibit the racist indoctrination of students in Ohio classrooms.

In Ohio, the following was written by a Mad River school district teacher:

"I am ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

Provided are two documents which explain the issues of Critical Race Theory:

Peter Kirsanow ==> <https://conta.cc/3uY8JFS>

Heritage Foundation (attached)

Parents across Ohio have contacted our organization expressing their concerns with CRT in their schools.

Thank you.

John Stover, President
Ohio Value Voters

Critical Race Theory, the New Intolerance, and Its Grip on America

Jonathan Butcher and Mike Gonzalez

KEY TAKEAWAYS

Critical Race Theory makes race the prism through which its proponents analyze all aspects of American life.

CRT underpins identity politics, which reimagines the U.S. as a nation riven by groups, each with specific claims on victimization.

CRT's intolerance can be found in schools, the workplace, and the entertainment sector, "normalizing" belief in systemic racism for the average American.

As its name should make abundantly clear, Critical Race Theory (CRT) is the child of Critical Theory (CT), or, to be more precise, its grandchild. Critical Theory is the immediate forebearer of Critical *Legal* Theory (CLT), and CLT begat CRT. As we discuss in this *Backgrounder*, however, there are strong thematic components linking CT, CLT, and CRT. Among these are:

- The Marxist analysis of society made up of categories of oppressors and oppressed;
- An unhealthy dollop of Nietzschean relativism, which means that language does not accord to an objective reality, but is the mere instrument of power dynamics;

This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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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*.¹ Angela P. Harris—also a major early figure of CRT—agrees, though she attributes co-parentage to a different source. She said:

For me, Critical Race Theory (CRT) began in July of 1989, at the First Annual Workshop of Critical Race Theory at St. Benedict’s Center, Madison, Wisconsin. CRT looked like a promise: a theory that would link the methods of Critical Legal Studies [CLS] with the political commitments of “traditional civil rights scholarship” in a way that would revitalize scholarship on race and correct the deconstructive excesses of CLS.²

This strong political commitment is at the core of CRT. Americans should defend civil rights, and we should actively work to eliminate racism in the U.S. and anywhere it exists—but as we document in this *Backgrounders*, these noble aims are *not* the stated intentions of CRT’s founders. Harvard academic Derrick A. Bell, the recognized godfather of the CRT movement, does not mince words in one of the essays laying out the radical aims of the theory: “As I see it, critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it.”³ Critical Race Theory shares these goals with both Critical Theory and Critical Legal Theory (or Critical Legal Studies).

This report offers the following:

1. Gives a synopsis of these three related disciplines. This includes an explanation of how CRT specifically affects Americans today and a discussion of how CRT's ideas support the concept of identity politics and blend the ideas of victimization, group identity, and political action together, leading to a divisive civic and political culture.
2. Explains how the Black Lives Matter organizations built an aggressive political movement on CRT's racially focused ideas—ideas apologists can use to justify violent riots.
3. Discusses ways policymakers and educators are integrating CRT into K–12 instruction.
4. Traces the roots of the school shooting in Parkland, Florida, in 2018 to a school policy dealing with student discipline that is being used by CRT advocates and researchers.
5. Explains that the free speech crisis on college campuses today is the application of CRT's and CT's core tenets.
6. Discusses CRT's impact on the workplace and diversity trainings, some of which pressure employees to become activists or to discuss controversial topics in the workplace.
7. Offers examples of how entertainers—actors, critics, and others—are using CRT's ideas to influence decision-making in Hollywood.
8. Provides policy recommendations that are aimed at restoring the concepts of judging people not by the color of their skin but by their conduct and the need to protect liberty so that everyone, regardless of ethnicity or background, has the opportunity to pursue the American Dream.

Critical Theory

The origins of Critical Theory can be traced to the 1937 manifesto of the Institute for Social Research in Frankfurt, colloquially known as the Frankfurt School. One of the first examples of what has come to be called the Western Marxist schools of thought, the Institute modeled itself on the Moscow-based Marx-Engels Institute. Originally, the school's official name was going to be

the *Institut für Marxismus* (Institute for Marxism), but, ever desirous of downplaying their Marxist roots, its founders thought it prudent to adopt a less provocative title, according to one of the best histories of the school's work and of Critical Theory itself, *The Dialectical Imagination*, by Martin Jay.⁴

Critical Theory was, from the start, an unremitting attack on Western institutions and norms in order to tear them down. This attack was aimed only at the West. Even though the manifesto, titled *Traditional and Critical Theory*, was written at the height of Joseph Stalin's purges, show trials, and famines, the school "maintained an almost complete official silence about events in the USSR," according to Jay.⁵ The manifesto, written by the school's second director, Max Horkheimer, claimed that traditional theory fetishized knowledge, seeing truth as empirical and universal. Critical theory, on the other hand, "held that man could not be objective and that there are no universal truths."⁶

This relativism was inherited from Friedrich Nietzsche and filtered through the dialectics of Georg Friedrich Hegel and his best-known disciple, Karl Marx. The Frankfurt School philosophers believed that "a true epistemology must end the fetish of knowledge as such, which as Nietzsche demonstrated, leads to abstract systematizing," wrote Jay.⁷ As for their Marxism, three years earlier, Horkheimer had let his true feelings for the Soviet state be known in a collection of short essays known as *Dammerung* (in German, both "dawn" and "twilight"). "He who has eyes for the meaningless injustice of the imperialist world, which in no way is to be explained by technical impotence, will regard the events in Russia as the progressive, painful attempt to overcome this injustice," he wrote.⁸

Critical Theory, and the Frankfurt School in general, were thus a renaissance of Hegelian thought and of the revolutions that had taken place as a result in 1848—repackaged for a now-industrialized Germany. "To trace the origins of Critical Theory to their true source would require an extensive analysis of the intellectual ferment of the 1840s, perhaps the most extraordinary decade in 19th century German intellectual history," wrote Jay.⁹ He adds, "It can be argued that the Frankfurt School was returning to the concerns of the Left Hegelians of the 1840s. Like that first generation of critical theorists, its members were interested in the integration of philosophy and social analysis."¹⁰

Critical Theory and Its Early Applications

In the context of the era, Critical Theory's demolition of Western traditions and norms was nothing less than a tool to implement the counter-hegemony called for in the Theory of Cultural Hegemony enunciated

in the first decades of the 20th Century by Antonio Gramsci. Marx and Friedrich Engels had promised constant revolution by the workers of the world, but by the early 1930s, few had succeeded. The founder of the Italian Communist Party, Gramsci had come to believe that the workers were not revolting and overthrowing the bourgeoisie because they had bought into the belief system of the ruling class—family, nation-state, the capitalist system, and God. What was needed was struggle sessions in which the revolutionary vanguard would teach the workers how to think. But first the norms needed to be torn down. That is where Critical Theory—and, as we will see, all its offshoots—come in.

Horkheimer and the other Frankfurt scholars left Germany to escape the Third Reich, fleeing first to Geneva, then to New York, where Columbia University allowed them to set up camp in 1935 at Teachers' College. In the United States they developed the same disdain for the American worker that Gramsci had felt for his Italian counterpart. "They insist unwaveringly on the ideology by which they are enslaved," Horkheimer wrote with another Frankfurt School scholar, Theodor Adorno, about the American worker.¹¹ After the defeat of the Nazi regime, Horkheimer, Adorno, and the others were able to return to Germany. But they left behind Horkheimer's assistant, Herbert Marcuse, who became one of the leading spokesmen of the New Left.

A witness to the upheavals caused by the riots and violence associated with the Civil Rights era and the anti-Vietnam War Movement, Marcuse discovered in them a new agent of change: minorities, of which more categories would need to be created. "Underneath the conservative popular base is the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors," Marcuse wrote. They would still need to be led ideologically—"their opposition is revolutionary even if their consciousness is not"—but the potential to stoke grievances among them was there in a way that did not exist with workers as a category.¹²

Critical Legal Theory

It is at this point that Critical Legal Theory takes over. Its scholars self-consciously acknowledge their debt to Critical Theory and other Marxist movements that came before the Frankfurt School. "Although CLS has been largely contained within the United States, it was influenced to a great extent by European philosophers, such as Karl Marx, Max Weber, Max Horkheimer, Antonio Gramsci, and Michel Foucault," reads the entry for CLT in the Cornell Law School's Legal Information Institute.¹³

The Cornell entry for Critical Legal Studies explains:

Critical legal studies (CLS) is a theory which states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. Proponents of CLS believe that the law supports the interests of those who create the law. As such, CLS states that the law supports a power dynamic which favors the historically privileged and disadvantages the historically underprivileged. CLS finds that the wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.¹⁴

Then comes the kicker: “Many in the CLS movement want to overturn the hierarchical structures of modern society[,] and they focus on the law as a tool in achieving this goal.”

Just as with Critical Theory, Critical Legal Theory is, then, an instrument to overturn society for those who follow its tenets, this time from a legal perspective. The law, they argue, is simply the cultural hegemony codified in statutes and defended by a jurisprudence that aims to support the powerful against the claims of the marginalized. CLT proponents trace their founding to the first Conference on Critical Legal Studies, held at the University of Wisconsin at Madison in 1977. Among its main theorists figure Duncan Kennedy, Roberto Mangabeira Unger, and Robert W. Gordon.¹⁵

In a 2002 essay, Kennedy acknowledges the debt Critical Legal Theory owes to both Marxism and post-modernism (championed by a mostly Parisian set of intellectuals who preached that texts could be “deconstructed” by the reader, a complicated philosophical concept that involves reinterpreting words to replace ideas based on objective physical existence), two separate critiques of bourgeois reality that nevertheless can rub uneasily against each other. “Critical legal studies,” he writes, “operates [sic] at the uneasy juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/post-modernist projects.”¹⁶

“Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system,” writes Kennedy.¹⁷ Post-modernism is a much more complex phenomenon, but it aims at the same destruction of society as the Marxist project, starting with the use of reason itself. We can gain a sense of such complexity in Kennedy’s own abstruse writing on Modernism/Postmodernism (or MPM). He explains:

[MPM] is a critique of the characteristic forms of rightness of this same culture and aims at liberation from inner and outer experiences of constraint by reason, in the name, not of justice and a new system, but of the dialectic of system and anti-system, mediated by transgressive artifacts that paradoxically reaffirm the “higher” forms of the values they seem to traduce.¹⁸

Just as with Critical Theory, post-modernism borrows heavily from the Nietzschean attack on objectivity. Writes Kennedy:

For the [MPM] project, the demand for agreement and commitment on the basis of representation with the pretension to objectivity is an enemy. The specific enemies have been the central ethical/theoretical concepts of bourgeois culture, including God, the autonomous individual choosing self, conventional morality, the family, manhood and womanhood, the nation state, humanity.¹⁹

CLT scholars also display an awareness of the rising identity groups that Marcuse identified as the new revolutionary base. Kennedy quotes approvingly his fellow university professor Cornell West as asserting the existence of an

inchoate, scattered yet gathering progressive movement that is emerging across the American landscape. This gathering now lacks both the vital moral vocabulary and the focused leadership that can constitute and sustain it. Yet it will be rooted ultimately in current activities by people of color, by labor and ecological groups, by women, by homosexuals.²⁰

Kennedy adds that “in the United States, by the end of the 1970s, with the rise of identity politics, left discourse merged with liberal discourse, and the two ideas of the rights of the oppressed and the constitutional validity of their legal claims superseded all earlier versions of rightness.”²¹

Harvard’s Berkman Klein Center’s entry on Critical Legal Theory neatly teases out the link between the legal analysis of power relations with the emerging identity-based politics. It writes that CLT scholars:

focused from the start on the ways that law contributed to illegitimate social hierarchies, producing domination of women by men, nonwhites by whites, and the poor by the wealthy. They claim that apparently neutral language and institutions, operated through law, mask relationships of power and control. The emphasis on individualism within the law similarly hides patterns of power relationships while making it more difficult to summon up a sense of community and human interconnection.²²

Critical Race Theory

From there it is a short step to Critical Race Theory. Unsurprisingly, given its name, CRT makes everything about race the prism through which its proponents analyze all aspects of American life—and do so with a degree of persistence that has helped CRT impact all aspects of American life.

Derrick Bell, referenced above, the widely-acknowledged “godfather” of CRT, explains in the essay cited earlier that the work of CRT authors “is often disruptive because its commitment to anti-racism goes well beyond civil rights, integration, affirmative action, and other liberal measures.”²³ Bell quotes Angela P. Harris as explaining that CRT inherits from its Critical Legal Theory ancestor the commitment to dismantle all aspects of society through unremitting criticism—and at the same time eschews the woolly deconstructionist excesses of the postmodernists and adopts the practicality of the Civil Rights movement. Bell points to theorist and professor Charles Lawrence and says he “speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective.”²⁴ Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”²⁵

CRT’s Theoretical Applications. Because CRT is so intent on real-life transformation, some aspects of post-modernism and its deconstructionism had to be jettisoned, or at least sidelined. Kimberle Crenshaw, the CRT scholar who first came up with the CRT term “intersectionality,” put the need to abandon the Parisian post-modernism best when she wrote:

While the descriptive project of postmodernism of questioning the ways in which meaning is socially constructed is generally sound, this critique sometimes misreads the meaning of social construction and distorts its political relevance.... But to say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the contrary, a large and continuing project for subordinated people—and indeed, one of the projects for which postmodern theories have been very helpful in thinking about—is the way power has clustered around certain categories and is exercised against others.²⁶

In the end, the identity politics that CRT exists to implement was more important than salon revelries. Adherents can apply intersectionality, for example: Someone can claim to be oppressed in more than one way by citing association with more than one social group, or “axis.”²⁷ CRT writers Patricia Hill Collins and Sirma Bilge explain that with intersectionality, “people’s

lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other.”²⁸ In this way, write Helen Pluckrose and James Lindsay, CRT results in people looking for “power imbalances, bigotry, and biases that it assumes must be present,” which reduces everything to prejudice, “as understood under the power dynamics asserted by Theory.”²⁹

Of the three critical schools of thought analyzed here,³⁰ CRT is the least intellectually ethereal and the most explicitly political. Its use of story-telling—easy to understand fictional vignettes that seek to portray in every-day life terms the “systemic racism” that CRT scholars insist exists in America—is but one of the ways that CRT scholars seek to effect change.³¹ Abstraction is to be avoided because it “smuggles the privileged choice of the privileged to depersonify [sic] their claims and then pass them off as the universal authority and the universal good.”³²

It is perhaps for this reason that CRT hardly ever identifies the Frankfurt School or its Critical Theory predecessor as an influence, only acknowledging a debt to Critical Legal Theory.³³ CRT’s ceaseless assault on all American institutions and norms is pure Critical Theory, however. This assault includes the liberal order—in the classical sense, referring to Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests—something CRT scholars openly admit.

CRT and Classical Liberal Ideas

CRT’s proponents, writes Bell, “are highly suspicious of the liberal agenda, distrust its method, and want to retain what they see as a valuable strain of egalitarianism which may exist despite, and not because of, liberalism.”³⁴ This is an important departure from the original goals of the Civil Rights movement, which sought to redeem America’s promise by calling for color-blind equality. “Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law,” acknowledges Delgado.³⁵

The radical egalitarianism obviously clashes with strong protections of property rights and any notion of equal protection under the law. These are not the only liberal rights to be thrown overboard. Freedom of speech is also in CRT’s sights. “Being committed to ‘free speech’ may seem like a neutral principle, but it is not. Thus, proclaiming that ‘I am committed equally to allowing

free speech for the KKK and 2LiveCrew' is a non-neutral value judgment, one that asserts that the freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails."³⁶ Thus we arrive at today's cancel culture.³⁷

Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT. "Crits are suspicious of another liberal mainstay, namely, rights," observes Delgado, using the informal abbreviation CRT writers sometimes employ to describe themselves. The "more radical CRT scholars with roots in racial realism and an economic view of history believe that moral and legal rights are apt to do the right holder much less good than we like to think.... Think how that system applauds affording everyone equality of opportunity but resists programs that assure equality of results." Rights are "alienating. They separate people from each other—'stay away, I've got my rights'—rather than encouraging to form close, respectful communities."³⁸ The liberal principle that we universally derive these rights from a common humanity and human faculties we all share equally comes under the gun. Classical liberalism is "overly caught up in the search for universals," writes Delgado. What CRT proponents want is "individualized treatment—'context'—that pays attention to minorities' lives."³⁹ "The concepts of rights is indeterminate, vague and disutile," in Bell's words.⁴⁰

Legal and administrative neutrality, too, is an enemy because it gets in the way of uplifting such minority voices. Also—and this is a recurring theme with all critical schools, starting with Horkheimer, if not Nietzsche—neutrality is impossible to attain. On this point, Bell cites Lawrence again:

Charles Lawrence [a law professor] speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective. Lawrence asserts that such a neutral perspective does not, and cannot, exist—that we all speak from a particular point of view, from what he calls a 'positioned perspective.' The problem is that not all positioned perspectives are equally valued, equally heard, or equally included. From the perspective of critical race theory, some positions have historically been oppressed, distorted, ignored, silenced, destroyed, appropriated, commodified, and marginalized—and all of this, not accidentally.⁴¹

CRT is purposely political and dispenses with the idea of rights because it blames all inequalities of outcome on what its adherents say is pervasive racism in the United States. "White supremacy," a term that comes up repeatedly in CRT discourse and continues to be heavily used today by leaders of the Black Lives Matter organizations, must be smashed. White

supremacy does not mean an actual belief in the superiority of white people, however. It can mean anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution.

One of the most famous practitioners of CRT today, Robin DiAngelo, writes in her book, *White Fragility*:

White supremacy is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination. Again, racism is a structure, not an event. While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.⁴²

“I hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in,” DiAngelo writes.⁴³ Its use is a very successful example of the Left’s use of *strategic ambiguity* in the pursuit of a rather large and ambitious goal. The target is a free-market system that rewards hard work, ability, and other virtuous traits. Other CRT terms that have specific and unique meanings when used by its practitioners are “equity,” “diversity,” “inclusion,” and “people of color.”⁴⁴ CRT speakers have also developed peculiar turns of phrase that are specific to the group; supporters are said to be “in allyship” or “in relationship.” The U.S. is said to be a “carceral state.”⁴⁵

How Does Critical Race Theory Affect You?

Because of their strong political commitment to transforming the United States, CRT writers make clear that they do not intend for what happens on college campuses to stay on campus. “It is our hope that scholarly resistance will lay the groundwork for wide-scale resistance. We believe that standards and institutions created by and fortifying white power ought to be resisted,” writes Bell.⁴⁶ On that score, we must pronounce CRT to have been a resounding success. CRT has broken out of the classroom and become the philosophy of wide-scale resistance. It is useful to identify a few of the ways with which it impacts the daily lives of Americans.

Identity Politics. CRT has become the academic body of work that underpins identity politics, an ongoing effort to reimagine the United States as a nation not of individuals and local communities united under common purposes, but as one riven by groups based on sex, race, national origin, or gender—each with specific claims on victimization. These identity categories correspond to Marcuse’s new revolutionary base (“the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors”).⁴⁷ The identities are often artificial ones manufactured by government itself, examples being the Hispanic and Asian-American pan-ethnicities contrived in 1977 by the Office of Management and Budget (OMB), or the 31 genders approved by the New York City Commission on Human Rights.⁴⁸ Under identity politics, America is no longer a country where the individual is the central agent in society, who, because of his very existence possesses *individual* rights. Instead, membership in the official categories becomes the identity that matters when it comes to rights (mostly positive rights, not natural ones), responsibilities, and everything else. Identity politics has become the new paradigm under which many Americans now operate. Victimhood is what commands attention, respect, and entitlements, seen as compensatory justice.

CRT emerged contemporaneously with the proliferation of these identity categories in America and became the philosophical tool to implement identity politics and the attempt to transform the United States. *Race, Racism and American Law* by Derrick Bell includes toward the end a chapter for “Racism and Other Nonwhites,” among whom he names for the United States the Chinese, the Japanese, and the Mexicans.⁴⁹ It was published in 1972, two years before the Census Bureau bureaucrats, under pressure from leftist activists, opened the first national racial and ethnic advisory committee.⁵⁰ Just three years later, these activists convinced the OMB to create the pan-ethnic categories.

The simultaneity was hardly coincidental: The activists who forced the bureaucracy to confect the identities also drank deeply from the well of European philosophies brought over after World War II. “The language of ‘dominant’ and ‘subservient,’ or ‘subordinate,’ groups, integral to Critical Theory and the Frankfurt School” pervaded the work of Julian Samora, the first founder of a Hispanic studies department at a major university, the first leader of La Raza [“The Race”] and a member of the Census Bureau’s first national advisory committee on race. Samora’s 1953 dissertation, titled “Minority Leadership in a Bi-Cultural Community,” quotes the German-born American social psychologist Kurt Lewin, who was associated with the Frankfurt School.⁵¹

CRT reshaped the identitarians' thinking in new ways still and gave them newer terms to express these thoughts. Soon CRT was spawning Critical Latin Theory and other spinoffs that were identical in their approach—save for the “marginalized” subjects to be emphasized. Identity politics is difficult to challenge because it presents itself as a just demand for formerly marginalized people to claim attention and reward, but it seeks to collectivize American society; it is divisive, flouts constitutional equal protection, and represents a direct threat to republican self-rule. In all this it has found a handmaiden in CRT.

The Black Lives Matter Insurgency. The year 2020, with its protests and riots—as well as the overwhelming acceptance by the media, professional sports, corporations, the academy, and virtually all power centers, that America is irredeemably racist and must overhaul its entire system—has demonstrated that CRT's teachings have moved beyond the ivory towers and ivy walls.

How much of CRT's success has contributed to America's current obsession with race is a question that can be answered through data analysis. A separate question is how much CRT scholars, trainers, and consultants have benefitted as a result of this year's violence. The answer to the latter is, conclusively, “a lot.”

Though some may think that the new scrutiny of racial explanations for all aspects of American life may have been sparked by the death under police custody of George Floyd on May 25, 2020, an analysis for the publication the *Tablet* by Zach Goldberg, a doctoral candidate at Georgia State University, in August 2020 discovered the inverse is true. He writes:

Countless articles have been published in recent weeks, often under the guise of straight news reporting, in which journalists take for granted the legitimacy of novel theories about race and identity. Such articles illustrate a prevailing new political morality on questions of race and justice that has taken power at the [New York] Times and [Washington] Post—a worldview sometimes abbreviated as ‘wokeness’ that combines the sensibilities of highly educated and hyperliberal white professionals with elements of Black nationalism and academic critical race theory. But the media's embrace of ‘wokeness’ did not begin in response to the death of George Floyd. This racial ideology first began to take hold at leading liberal media institutions years before the arrival of Donald Trump and, in fact, heavily influenced the journalistic response to the protest movements of recent years and their critique of American society.⁵²

What Goldberg discovered through regression analyses of articles is that a “rapid proliferation of articles employing the tropes of critical race theory to ascribe racial guilt in the American system represents a reckoning with white supremacy and inequality.”⁵³ The jargon of CRT had seeped into American media, and thus into Americans’ collective consciousness, years before the Trump presidency, long before Floyd’s death. Goldberg explains:

Starting well before Donald Trump’s rise to power, while President Obama was still in office, terms like ‘microaggression’ and ‘white privilege’ were picked up by liberal journalists. These terms went from being obscure fragments of academic jargon to commonplace journalistic language in only a few years.... During this same period, while exotic new phrases were entering the discourse, universally recognizable words like ‘racism’ were being radically redefined. Along with the new language came ideas and beliefs animating a new moral-political framework to apply to public life and American society.⁵⁴

All the beliefs that are espoused today by the three founders of the Black Lives Matter organizations (Alicia Garza, Patrisse Cullors, and Opal Tometi)—that America is institutionally/structurally/systemically racist, that its legal system protects the powerful and amounts to racism codified in statutes, that neutrality and objectivity are impossible to obtain, that “objectivity and individuality are privileges,”⁵⁵ that the gauge by which to judge America is equality of outcome, that speech and other rights must be suppressed in order to protect the marginalized—come straight from the CRT canon.

Writing about the impact that Michael Brown’s death in August 2014 had on the nation, the academic James A. Lindsay observed:

Brown’s death mainstreamed Black Lives Matter and, in many respects, many of the core claims and assumptions of critical race theory throughout 2015 and 2016.... Its fundamental claim was that America was systemically racist and that this could be seen most clearly in the American police, criminal justice, and penal systems.... That none of this was true was irrelevant as Black Lives Matter mainstreamed the idea that ‘lived experience’ and ‘lived realities’ are more important arbiters of ‘truth’ than truth itself. These beliefs are central to the core assumption of critical race theory that ‘counterstories’ and narratives are more important than facts and truth where systemic racism (and other systemic oppression) is concerned. (This—storytelling, counterstory, and narrative related in service to ‘politically Black’ identity political goals should be forwarded over truth—is usually listed in the top five cornerstone assumptions of critical race theory.)⁵⁶

A September 2020 report from the U.S. Crisis Monitor, which receives support from Princeton University, revealed that BLM activists were involved in 95 percent of the riots between June 2020 and September 2020 for which the identity of the perpetrator was known.⁵⁷ When the *Claremont Review's* Charles Kesler called the disturbances “the 1619 riots” (after the CRT-influenced *New York Times* project that places slavery at the center of everything in America), the architect of the project, Nikole Hannah-Jones tweeted, “It would be an honor. Thank You.”⁵⁸

Curriculum and Action Civics in K–12 Schools. The dissemination of curricular content and instruction based on CRT in K–12 schools is second only in scope to the presence of CRT in post-secondary instruction, where CRT originated. The spread within college- and university-level syllabi and journal articles took place over the course of many decades throughout the 20th century, while the effects on K–12 schools in such areas as social studies, history, and civics have, by comparison, become visible more recently.

The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America’s founding ideals and further embedding the concept of systemic racism in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention.

Academic literature produced in the past 20 years by educational theorists on K–12 curriculum argue that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.⁵⁹ In a widely cited 1998 article from *Qualitative Studies in Education*, Gloria Ladson-Billings writes, “The use of voice or ‘naming your reality’ is a way that CRT links form and substance in scholarship.” She further writes, “Much of reality is socially constructed.” Aligned with the foundational ideals of CRT, Ladson-Billings says, “Critical race theory sees the official school curriculum as a culturally specific artifact designed to maintain a White supremacist master script.”⁶⁰

Notably, she closes the piece by saying, “I doubt if it [CRT] will go very far into the mainstream. Rather, CRT in education is likely to become the ‘darling’ of the radical left, continue to generate scholarly papers and debate, and never penetrate the classrooms and daily experiences of students of color.”

She was wrong.

Districts around the country have integrated CRT into school curricula. Both of the nation's largest teacher unions support the Black Lives Matter organization, with the National Education Association specifically calling for the use of Black Lives Matter curricular materials in K-12 schools.⁶¹ This curriculum is "committed" to ideas such as a "queer-affirming network," which have nothing to do with rigorous instructional content, and promotes racially charged essays such as "Open Secrets in First-Grade Math: Teaching about White Supremacy on American Currency."⁶² As of 2018, officials in at least 20 large school districts, including Los Angeles and Washington, DC, were promoting Black Lives Matter curricular content and the organization's "Week of Action."⁶³ According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders "support the Black Lives Matter movement."⁶⁴ Surveys are not clear on whether the prevailing sentiment among educators is support of authentic equality among individuals or of the divisive ideas espoused within the curriculum.

State and school officials are integrating CRT material into instructional content. California Governor Gavin Newsom vetoed a bill this fall that would make an ethnic studies course a high school graduation requirement for students in the state, but work on the material saturated with CRT concepts continues. Newsom called on the state board of education to revise the curricular resources so that the materials are more "balanced,"⁶⁵ yet in his veto letter, Newsom said he was "pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources." He has already approved a proposal that makes an ethnic studies course a graduation requirement for the state university system.⁶⁶

As of August 2020, the draft curriculum acknowledged CRT priorities such as power and white privilege, including statements such as, "Ethnic studies courses address race within the context of how white dominated culture impacts racism" and educators can "create and utilize lessons rooted in the four foundational disciplines alongside the sample key themes of (1) Identity, (2) History and Movement, (3) Systems of Power, and (4) Social Movements and Equity."⁶⁷ The curriculum has an entire section devoted to intersectionality, the CRT concept explained earlier that allows someone to claim victimhood based on his or her identification with more than one group (such as being from a minority ethnicity, a lower economic class, and identifying with a specific gender), accelerating a search for "power imbalances" in society.⁶⁸

As of this writing, the California Department of Education and state board continue to revise the curriculum in anticipation of a March 2021 release, even if the material is not yet required for graduation.⁶⁹ In a review of the draft materials, Williamson Evers, former U.S. Education Department official and member of the California State Academic Standards Commission, wrote in the *Wall Street Journal*, “The revised model curriculum in California portrays capitalism as oppressive and gives considerable weight to America’s socialist critics.”⁷⁰ He further says, “The proponents of critical ethnic studies are so insulated by Marxism and identity politics that they miss insights from other fields.”

The Seattle Public School Board has also included critical ethnic studies in its activities. In 2017, the board adopted a resolution that led to the creation of an “Ethnic Studies Task Force” that called for a decolonizing of school curricula, saying,

[T]he School Board acknowledges the academic research that associates the overwhelming dominance of Euro-American perspectives in textbooks, curricula and instruction and marginalization of scholarship and accomplishments by people of color as contributors to disengagement from academic learning of many students of color.⁷¹

In the description of ethnic studies that the task force drafted, the documentation included CRT buzzwords and phrases, such as “[c]ritical analysis of the source and perspective of knowledge...analysis and critique of systems of oppression, historically and currently—to include colonialism, racism, patriarchy, and capitalism,” and the “[o]bjective of examining and dismantling White supremacy and institutional racism.”⁷² The task force’s notes emphasize that the course is not just “a graduation requirement of [a] ‘tacked on’ elective,” which appears to suggest that students should have regular interactions with the course and its ideas.

In Ohio, the state board of education adopted a resolution listing the different achievement gaps between students from different backgrounds and then stating that the board “shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias” and “require training for all state employees and contractors working with the Department of Education to identify their own implicit biases”—resolutions that have nothing to do with instruction or improving student achievement.⁷³ The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”⁷⁴

To their credit, the board has since invited Ian Rowe, charter school leader and co-founder of 1776 Unites, an organization dedicated to upward mobility, to offer a perspective that counters these ideas during one of their meetings.⁷⁵ The Ohio Department of Education removed an “Anti-Racist Allyship Starter Pack” that was posted on its website this year after complaints about racially charged material.⁷⁶

Still, this focus on narratives and social issues comes at a time when 82 percent of black fourth graders read at or below what is considered a “basic” level, below the goal for what students should know at this grade, on a national comparison.⁷⁷ This figure is 28 percentage points below the same measure for white students. In 2010, Pew Center research reported the staggering statistic that more black men ages 20–34 without a high school diploma are in prison than employed, which means educators are disadvantaging minority youth when they steer K–12 schools away from rigorous content and toward “naming your reality.”⁷⁸

CRT scholarship on teaching methods is also used to advocate activism, which is dangerous considering the movement’s preference for personal narratives over knowledge and historical facts. The Obama Administration supported such activism in its 2012 report “Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action.” In the report, then-Education Secretary Arne Duncan called for a focus on “action civics” instead of “just rote memorization of names, dates, and processes.”⁷⁹ Organizations such as the Sunrise Movement and Generation Citizen, along with the Mikva Challenge at Chicago Public Schools (CPS), to name a few, have promoted action civics in the years since the report’s release.⁸⁰

Curricular content for action civics range from encouraging students to volunteer in their community to suggesting that teachers assign students, even elementary-age students, material that advocates for unionizing workers and protesting against “gentrification,” complex subjects even for adults to consider.⁸¹ While the CPS efforts endorsed anti-bullying and “School Beautification” projects, the district also advocated for student projects protesting “Police Brutality” and “LGBTQ Awareness,” as well as several walk-outs and sessions to train students to speak to the media about guns and a “Keeping It Reel Film Project” that dealt with “transgender rights.”⁸²

Some school systems have applied action civics to teaching disruptive protests. Seattle Public Schools include recommended reading material on its district website that says responses to the tragic death of George Floyd are “violent and destructive” because “police officers and the National Guard themselves are initiating violence” and “White Americans have a long, storied history of violence and destruction in this country.”⁸³

The MacIver Institute in Wisconsin reports that in the 2019–2020 school year, at least five marches were endorsed by school districts across the state, taking students out of the classroom to protest climate change and immigration policies and advocate for Black Lives Matter activities and gun control, to name a few.⁸⁴ The action civics group Generation Citizen has sponsored student projects to advocate for “more stringent mental health and social tolerance tests for NYPD [New York Police Department] applicants”—and ban the use of plastic bags in Rhode Island retail stores, among others.⁸⁵

Again, if this civic instruction was a call for more volunteer work or was somehow aligned with core subjects in which minority students still lag behind their peers, such instruction would be admirable. Yet research on student achievement in civics finds that students are woefully underprepared to understand civic participation and the functions of our nation’s government. Seventy-six percent of 8th graders scored at or below a basic level in civics on the most recent national comparison.⁸⁶ According to iCivics, “[O]nly nine states require a full year of civic education in high school,” and 10 states have no such requirement. Thirty-one states only require civics to be taught for one semester.⁸⁷ Just under half of all Americans cannot name all three branches of government, according to the Annenberg Public Policy Center at the University of Pennsylvania.⁸⁸

Teacher training steeped in critical theory (called “critical pedagogy”) demands action, however, which, when paired with the denunciation of facts described above, begs the question of how students are supposed to know what kind of action is appropriate and what is not.

After the Trump Administration supported policies that drew attention to the problems with CRT in education and the so-called anti-racism training of the federal workforce, two associate professors wrote in *Education Week* that the U.S. Department of Education should not reject CRT but “should ensure principals and teachers learn how it can be applied to address long-standing educational inequities” and “encourage federal agencies and public schools to embrace critical race theory.”⁸⁹ Parents, teachers, and policymakers concerned about CRT in schools are faced with significant challenges because some educators are determined to keep CRT in classrooms.

School Discipline and Disparate Impact Theory. What do school safety and the devastating school shooting that took the lives of 17 students and staff at a high school in Parkland, Florida, have to do with CRT? Quite a bit, in fact. Marjory Stoneman Douglas High School in Broward County, near Parkland, was one of the first school districts in the nation to embrace a school discipline policy that aimed to reduce the suspension and expulsion

(“exclusionary discipline”) of minority students.⁹⁰ Like many of the other cursory explanations of public policies or social trends linked to CRT, Broward County school administrators’ stated intent to reduce minority student interactions with police sounds well-intentioned. No one wants a child to be mistreated, and we certainly do not want a student to be treated unfairly because of his or her race.

But as with the other examples offered in this *Backgrounder*, the foundational ideas behind Broward’s PROMISE student discipline plan and other student behavior interventions that are meant to reduce the so-called school-to-prison pipeline align with CRT—and lead to negative outcomes for students, including minority students. In school discipline, the roots trace to the concept of “disparate impact,” a legal theory that says any policy that is neutral on its face in regard to the treatment of individuals from different ethnicities is still discriminatory if that policy results in disproportionate outcomes for individuals of various ethnicities or attributes (such as minority students or individuals with special needs).⁹¹

A significant body of legal research and court opinions has been dedicated to advocating the dubious legal theory of disparate impact. Disparate impact seeks to make unlawful entirely neutral, color-blind policies that may have a disproportionate impact on members of different ethnicities. The theory originated in the Civil Rights movement and employment law, but today spans many policy areas, from housing to health care, with much in between.⁹² For the purposes of student discipline, though, so-called social justice advocates have claimed that uniform, color-blind school discipline policies that suspend or expel students based on specific misbehavior result in disparate impacts for minority students.⁹³ Some school district administrators’ solution, such as those in Broward County, Buffalo Public Schools, Baltimore schools, and other large districts across the country, is to limit the use of exclusionary discipline on minority students, regardless of the nature of a student’s actions that may have instigated an educator’s disciplinary response and considering *only* the child’s race.

This is the point at which school discipline meets CRT. School officials have adopted policies that treat students differently according to race, viewing policy through a racial lens. Here, it does not matter that white students are disciplined more than Asian students or that higher levels of classroom misbehavior can be found in urban areas where there are concentrations of minority students from disadvantaged backgrounds and single-parent homes. For the policy, all that matters is that black and Hispanic students are disciplined more than white students, which according to this theory, demonstrates that implicit bias causes disproportionate levels of discipline.⁹⁴

Academic research in CRT confirms this theorized connection. In a 2014 article for the *UCLA Law Review* entitled “Exclusion, Punishment, Racism and Our schools: A Critical Race Theory Perspective on School Discipline,” David Simson says, “[R]acial stigmatization, stereotyping, and implicit biases that are based on a long history of racial prejudice in the United States continue to infuse seemingly objective standards of what is considered appropriate behavior, as well as the practices—such as punitive school discipline—that are used to enforce such standards.”⁹⁵ Simson claims “advocates will have to rely on alternative strategies to soften and to reverse the negative impact that punitive school discipline imposes on students, especially minority students.” Laurence Parker and David O. Stovall also made the connection in “Actions Following Words: Critical Race Theory Connects to Critical Pedagogy” in a 2004 issue of *Educational Philosophy and Theory*. They write, “The connection between critical race theory and education would entail linking teaching and research to general practical knowledge about institutional forces that have a disparate impact on racial minority communities.”⁹⁶

Empirical researchers, those studying the data on student discipline according to race, also cite a link between CRT and their work. Russell Skiba, a noted researcher in this area of study, was a co-author of “You Can’t Fix What You Don’t Look at: Acknowledging Race in Addressing Racial Discipline Practices,” in which he and his co-authors wrote,

Schools will make the progress if data open a door to reflective and critical conversations about the ways in which school processes, adult actions, and adult interactions with students may contribute to disciplinary outcomes. Sustaining a critical conversation about race patterns means asking questions about the full set of interactions that produce disparate patterns; about how race factors in to [sic] how adults react to students, and how students react to adults; about which false or harmful notions about “races” we carry around with us as we interact; and even when and how thinking of other human beings in terms of race is helpful.⁹⁷

The authors here are not referring to critical thinking in the traditional academic sense of evaluating different possible answers to a question; instead they mean “critical” in the deconstructive sense from the field of CRT.

A federal appeals court ruling in 1997, however, said that school discipline policies based on disparate impact result in disciplinary quotas that “violate equity in its root sense. They entail either systematically over-punishing the innocent or systematically under-punishing the guilty. They place race at

war with justice.”⁹⁸ The highest court has not yet ruled specifically against disparate impact.⁹⁹

Nevertheless, the Obama Administration praised the Broward County program and based a federal directive on school safety and student discipline in 2014 on the idea of disparate impact, adopting many of the recommended student discipline policies from Broward’s program.¹⁰⁰ The Administration threatened to withhold federal education spending from schools that reported high rates of exclusionary discipline among minority students, resulting in school district officials around the country limiting educators’ ability to maintain order in the classroom.

While zero-tolerance policies that suspended or expelled students with little review of a particular incident can be too harsh, research finds that limiting exclusionary discipline keeps disruptive and even dangerous students in the classroom. Research finds this policy puts the peers of disruptive students at risk—and correlates with lower academic achievement outcomes for affected students. Educators also report more dangerous school environments in systems using such policies.¹⁰¹

Broward County’s PROMISE program and memorandum of understanding with local police were the central documents and policy ideas applying CRT and creating a district-wide culture of limiting student contact, especially minority student contact, with law enforcement—even when students committed actions that endangered others.¹⁰² In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and 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.¹⁰³

As a result, the school district’s PROMISE program was not designed to refer the troubled former student who committed the horrific acts at Marjory Stoneman Douglas High School in February 2018 to law enforcement in the *years* prior to the incident. The former student, who is white, had a long list of prior infractions and was sent to participate in the PROMISE program in middle school.¹⁰⁴ Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.¹⁰⁵

Whether the fault lies with the execution of the PROMISE program or bureaucratic failures by school district officials, the fact remains that Broward school administrators worked with law enforcement and intentionally created a culture that limited student interaction with police and exclusionary discipline. School districts around the country, such as Minneapolis and Milwaukee, are still using such policies, and officials directly state that the

plans are meant to limit the exclusionary discipline of minority students.¹⁰⁶ And while disparate impact predated the founding of CRT, CRT advocates in education are applying this legal theory today to limit teachers' ability to make decisions based on student behavior—policies that consider students in groups according to skin color, disregarding the importance of individual actions.¹⁰⁷

All of which led to a devastating, fatal result in Parkland.

Free Speech on College Campuses. Since CRT originated in post-secondary institutions, it comes as no surprise that some of the most intolerant manifestations of CRT are found on university campuses. College grounds have been the home to protests for decades, but many in the current generation of rioters are determined to have their ideas heard and not allow others to express themselves, even sometimes resorting to violence. Further, activist students and their allies issue demands to school administrators that attempt to exercise power over those in positions of authority.

A recent example comes from the State University of New York at Binghamton. In November 2019, disruptive students attacked a College Republicans' display, destroying the flyers and papers on the table, then overturning the tables, all while threatening the students who had set up the display.¹⁰⁸ Not only did the rioters want to oppose the ideas being displayed, they did not want those ideas to even be available for consideration by anyone else.

Rioters were determined to do this again just days later, when the College Republicans and Young America's Foundation (YAF) invited the noted economist Arthur Laffer to speak on campus. Campus officials offered students who disagreed with YAF and Laffer a lecture hall in which to hold their own event, but the rioters chose instead to block Laffer's lecture. Rioters used physical force to demonstrate their power and shouted down the speaker, standing on desks and screaming until police intervened and stopped the entire event.¹⁰⁹

While school administrators did not enforce consequences on the disruptive students, school officials did commit resources to an initiative that will scrutinize campus police activities in response to the death of Jacob Blake in Kenosha, Wisconsin.¹¹⁰ Notwithstanding that the Laffer shout-down happened on the Binghamton campus and involved enrolled students—while the Blake incident took place in an entirely different state—university leaders said they recognized “protestors” calling for “racial justice” as part of an incident that had nothing to do with what was happening on campus.

The common refrain from progressive observers is that conservative students are the only ones who complain about speech-related incidents.¹¹¹

This can be easily refuted, however, by citing statements from groups like the SUNY-Binghamton College Democrats who condemned this shout-down, even though they disagreed with College Republicans on policy issues.¹¹² Shout-downs such as this are not a partisan issue, but an indication of a specific worldview that aligns with CRT and its progenitor, Critical Theory, which rioters have adopted.

Other examples clearly illustrate the connection between shout-downs on campus and CRT. In April 2018, Columbia University students marched to the school library and made demands taken straight from the writings of CRT theorists. The students wanted to “decolonize Columbia” and “demanded the University replace or rename statues, make its curriculum more diverse, increase faculty diversity, recognize the debt owed to marginalized peoples, such as the Lenape people [Native American tribes that lived in the northeast], and recognize the decision by graduate students to unionize.”¹¹³ In a show of force and disregard for authority, students ignored Law School Dean Yadira Ramos-Herbert, who told students they were in violation of school rules and directed them to leave so that students could study.

Over the past decade, events such as these have occurred at colleges around the country, sometimes involving the shout-down of a university president (such as at Duke and the University of Oregon) or the occupation of or damage to large areas of a campus surrounding a professor or invited speaker’s remarks (such as at Evergreen State College and the University of California-Berkley in 2017).¹¹⁴ Observers must note the language and terms students used during these campus takeovers are pulled directly from CRT.

At Evergreen, a self-described progressive institution, rioting students intimidated Professor Bret Weinstein during the spring of 2017, gathering around Weinstein and chanting, “[W]e want to dismantle the anti-blackness campus-wide, [sic] we want to give some sense of solidarity and provide safety.”¹¹⁵ Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.¹¹⁶ The Evergreen saga is powerfully documented in a series of videos created by Mike Nayna that make for terrifying viewing. Rioting students occupied administrative buildings, at one point trapping the school president in his office and only allowing him to use the bathroom under escort.

Yale students and faculty made headlines in 2015 when students demanded the removal of two professors. One of these faculty, noted early childhood scholar Erika Christakis, wrote an e-mail to the school community suggesting the school administration’s guidelines regarding Halloween costumes deserved more consideration and might be “heavy-handed.”¹¹⁷

Angry students confronted Erika's husband, Nikolas, saying the school was "no longer a safe space," with another student saying the professor's words were an "act of violence," an idea drawn from Critical Theory that words and discourse create reality and therefore can cause physical harm.¹¹⁸ Offended students drew from CRT's language and ideas in a written response to Erika's e-mail, saying the school itself suffers from "intolerable racism that students of color experience everyday," then touched on intersectionality by saying Yale has a "long history of racism...which has disproportionately harmed women of color."¹¹⁹

Again, such demands from a college community are becoming more common. Hundreds of Princeton faculty sent a letter to the university president earlier this year laced with CRT language. "Anti-Blackness is foundational to America," the letter says and asks the administration to "support us in this effort to disrupt the institutional hierarchies perpetuating inequity and harm."¹²⁰ A group of students at Sarah Lawrence calling themselves the "Diaspora Coalition" occupied a building on campus in 2019 and issued a list of wide-ranging demands that included a "mandatory first-year orientation session about intellectual elitism and classism," along with more free laundry soap.¹²¹

While CRT literature does not demand laundry services, its denunciation of free speech and classical liberal values that allow anyone, regardless of the color of his or her skin or family background, to live in a civil society are serious. Helen Pluckrose and James Lindsay write in *Cynical Theories*, "Certain views—academic views—shared by professionals—are considered too dangerous or even 'violent' to be allowed a platform."¹²² Indeed, in 1968, Critical Theorist Herbert Marcuse wrote that society should only be tolerant of the ideas from oppressed groups, and that conservative ideas should be repressed. Marcuse wrote:

It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.... Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right—these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance.¹²³

CRT writers applied this idea to their area of study. Richard Delgado wrote in 1994, “We are raising the possibility that the correct argument may sometimes be: the First Amendment condemns [the suppression of speech, even hate speech], therefore the First Amendment (or the way we understand it) is wrong.”¹²⁴ Still more pointedly, Delgado and Jean Stefancic write in *Critical Race Theory: An Introduction*, “If one is an idealist, campus speech codes, tort remedies for racist speech, diversity seminars, and increasing the representation of black, brown, and Asian actors on television shows will be high on one’s list of priorities.”¹²⁵ Again, remember CRT founder Derrick Bell’s comment cited earlier in this *Backgrounder* that CRT scholarship should incite rebellion and “most critical race theorists are committed to a program of scholarly resistance, and most hope scholarly resistance will lay the groundwork for wide-scale resistance.”¹²⁶

In addition to CRT’s central tenets of disrupting systems of power and destabilizing classical liberal civil and political structures, CRT and Critical Theory object to free speech as a cornerstone of society. The themes and logical responses from CRT proponents are echoed by students who shout down professors, guest speakers, and even other students at colleges across the country.

The Workplace and CRT Trainings. The CRT-influenced trainings that are often seen in America’s workplaces and schools are little more than modern-day versions of the struggle sessions that Gramsci recommended for European workers in 1920s, in the sense that they seek to replace what its practitioners see as a “cultural hegemony” with a “counter-hegemony.” A well-known example of this indoctrination came in 2020 from the National Museum for African American History and Culture, a Smithsonian institution. Until President Trump and others criticized it, forcing administrators to take it down, the museum ran an “anti-racist” chart that disparaged “hard work” and “cause and effect relationships” and criticized ideas such as “hard work is the key to success,” “work before play,” and “objective, rational linear thinking,” saying these are attributes of “white dominant culture, or whiteness.”¹²⁷

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”¹²⁸ It says, among other things, that “[w]hiteness and the normalization of white racial identity throughout America’s history have created a culture where nonwhite persons are seen as inferior or abnormal.”

Other examples of CRT training in the federal workforce include the Treasury Department holding a session telling employees that “virtually all White people contribute to racism” and the Department of

Homeland Security hosting a training on “microaggressions, microinequities, and microassaults,” in which white employees were told that they had been “socialized into oppressor roles.”¹²⁹

Nor are the efforts to subvert society limited to the federal workforce. The Society for Human Resources Management (SHRM), the lobbying arm of human resource (HR) professionals, uses empathetic language in its descriptions of diversity training sessions, such as making work “a place where we, our members, and our business community can bring our unique professional talents to stand together against all forms of social injustice.”¹³⁰ No one wants injustice to exist in the workplace—or anywhere—but SHRM’s training materials follow the design of other modern-day applications of CRT. The SHRM is influential, noting in its promotional material that the organization has over 300,000 human resource and business executive members in 165 countries—and impacts some 115 million workers.¹³¹

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”¹³² Examples of this text include the organization’s survey finding that “52 [percent] of organizations have provided or plan to provide new training on implicit/unconscious bias, equity, inclusion, or other diversity-related topics,” followed by guided questions such as: What types of new training has your organization provided on implicit/unconscious bias, equity, inclusion, or other diversity-related topics? Have you sought out guidance or education on how to address your own implicit/unconscious bias?

The SHRM’s survey reports that “60 percent of HR professionals believe organizations have a responsibility to take a stance on important social/societal issues and to communicate that position,” which can put those who are not comfortable having such work conversations in compromising positions. While SHRM’s encouragement to “listen and ask thoughtful questions” and “invite a colleague to coffee” are reasonable, organizations should not pressure employees to become activists or look for examples of unconscious bias.

The SHRM reports that 68 percent of black HR professionals “would decrease or have decreased the amount of goods or services purchased from a company that remained silent on the topic of racial injustice,” again, pushing the singular view of systemic oppression from the perspective of CRT into the business sector.

As for the consultant class itself, the leading ones are all also cut from the CRT cloth. Robin DiAngelo, who charges up to \$75,000 for speaking fees, is described in the book cover for her best seller, *White Fragility*, as “an academic, educator, and author working in the fields of critical discourse analysis and whiteness studies.”¹³³ In her book, DiAngelo writes, “All

progress we have made in the realm of civil rights has been accomplished through identity politics.... This book is unapologetically rooted in identity politics."¹³⁴

School district officials are also paying for diversity trainings. In Virginia, Fairfax County Public Schools paid one of the leading voices in the social justice movement, Ibram X. Kendi, \$20,000 to speak before district employees.¹³⁵ Local news reported that the payment is equal to \$300 per minute "at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students." Nearby, in Montgomery County, Maryland, the school board has proposed paying the Mid-Atlantic Equality Consortium \$454,680 to conduct an "anti-racist audit" that will examine "Workforce Diversity," "Work Conditions," and a "K-12 Curriculum Review."¹³⁶ The Washington, DC, public school district says some 2,000 district employees have participated in diversity training programs hosted by the training group Courageous Conversations.¹³⁷

Despite these rich rewards, many of the main practitioners of these CRT trainings—certainly the most famous ones, including DiAngelo, Kendi, Darinisa Amante-Jackson, Glenn E. Singleton, and others—advocate abandoning capitalism, as all Critical Schools have for almost a century now.

CRT's writers insist that capitalism is a system that rewards only Western traits. In a long *New York Times Magazine* profile in July 2020, Amante-Jackson was described as "all but utopian as she envisioned a movement away 'from capitalist, Western' ideals and described a future education system that would be transformed: built around students' 'telling their stories and listening to the stories of others.'"¹³⁸ In the same article, DiAngelo is quoted as saying, "Capitalism is so bound up with racism...capitalism is dependent on inequality, on an underclass. If the model is profit over everything else, you're not going to look at your policies to see what is most racially equitable." In his book, *How to Be an Anti-Racist*, Kendi strongly condemns capitalism: "Capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes, and they shall one day die together from unnatural causes."¹³⁹ Despite their expressed desire to eradicate capitalism, DiAngelo addressed 184 Democratic members of the House of Representatives in June 2020, and Kendi's work is used by the National Museum of African American History and Culture, a Smithsonian Institution.¹⁴⁰

Media and Entertainment. More evidence that CRT's proponents are not satisfied to leave any part of mainstream life untouched by the dogmas of intolerance and identity politics can be found in Hollywood. Writing in the *Telegraph*, sociologist 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.)¹⁴¹ Dabiri uses the parlance of CRT, saying “race has been constructed by our society,” and “I am always sensitive to the advantages I might have in comparison with darker[-]skinned black women, because the truth is there is a huge difference in how society treats us.” Dabiri misses the irony that her article criticizes Saldana for not being black enough, criticism that led Saldana to apologize in 2020 for taking the role, four years after the movie was released.¹⁴²

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.¹⁴³ Critics have lobbed race-based screeds at actors such as Armie Hammer for simply being white and an actor, Murray explains. Reviewers criticized actress Scarlett Johansson for playing “an Asian woman’s consciousness inside a white android” in the science fiction film *Ghost in the Shell* with the naysayers seemingly unwilling to suspend belief—even when watching a science fiction film.¹⁴⁴ At least these performers were able to ply their trade. In 2018, so-called social justice observers publicly shamed Sierra Boggess, a Caucasian actress, for accepting the role of Maria in a BBC production of *West Side Story*. Boggess turned down the role in the wake of the criticism.¹⁴⁵

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.¹⁴⁶ Slate voiced a character whose fictional mother is Jewish and white, as Slate is personally. But since the character is also black, Slate says, “Black characters on an animated show should be played by Black people.” The Bell-Slate announcement is another clear example of how intersectionality—not meritocracy, nor color-blindness—propels decision-making in entertainment, regardless of whether the actors and actresses are aware of the worldview underpinning their choices.

In entertainment, as well as the education and workforce sectors of society, CRT is well-established, driving decision-making according to skin color, and not because of individual value and talent. Furthermore, as CRT advocates express dogmas based in identity politics and other Critical Theory components in mainstream publications, the appearance of these concepts becomes more familiar to the viewing public, helping CRT proponents to “normalize” intolerance and the idea of systemic racism for the average viewer.

Policy Recommendations

- **Critical Race Theory and identity politics should not drive the government’s creation of categories through the Census and other surveys.** The government *at all levels* should get out of the

business of creating official identity categories, without which identity politics would wither away. It should go back to asking citizens for national origin, language spoken in the home, etc.—actual facts, not synthetic concoctions. It could also introduce questions on family structure (i.e., whether there is both a mother and a father in house, how many children were born in non-intact families, etc.).

- **The federal government should not support so-called diversity trainings that claim the presence of Critical ideas such as “unconscious bias.”** Federal officials should keep in place President Trump’s Executive Order eliminating CRT trainings in the federal workforce and among federal contractors and use its bully pulpit to encourage the private sector to similarly discontinue these counter-productive “trainings.”¹⁴⁷
- **Parents should know what is being taught in their children’s K–12 schools.** State policymakers should require that public schools make their curricular resources available to the public. Parents and taxpayers should have access to the material that teachers are using in the classroom. Some charter schools provide models to follow and already make these resources available.¹⁴⁸ Such transparency will help families as they make decisions about how and where their children learn by evaluating the offerings of different schools and education institutions.
- **Federal directives should not micromanage local schools’ student discipline policies.** Federal officials should not allow for the reinstatement of the Obama Administration’s 2014 “Dear Colleague” Letter on disparate impact, and policymakers should review other sections of federal law to remove the concept of disparate impact.¹⁴⁹ For example, disparate impact theory is included in the Individuals with Disabilities Education Act (IDEA), the federal law governing services and spending for children with special needs in public schools.¹⁵⁰ The Obama Administration further embedded this idea in IDEA’s regulations at the end of his Administration.

Federal, state, and local officials should allow educators and parents to work together to evaluate disciplinary incidents according to the circumstances and actions involved. School districts should not be required to maintain certain quotas of students who do or do not face exclusionary discipline.

- **State policymakers must protect free speech on public college campuses—especially when college administrators do not.** State lawmakers should consider proposals that require public university systems to provide student orientation sessions discussing free speech on campus. Policymakers in Alabama, Arizona, Georgia, North Carolina, and Wisconsin have models that other state officials should follow.¹⁵¹ State officials should also require public university governing boards to create policies that require university administrators to sanction *anyone* in a university community, including students, that violate someone else's expressive rights, up to and including suspension and expulsion. Administrators should refer violations of the law to law enforcement, but university officials should protect expressive rights through the enforcement of school codes of conduct.

Conclusion

Critical Race Theory began as an academic concept, but we can find the ideas all around us today, from schoolhouses to the corporate world to Hollywood. Racism and intolerance should have no place in America, but CRT is more than just a philosophical objection to discrimination. When followed to its logical conclusion, CRT is destructive and rejects the fundamental ideas on which our constitutional republic is based.

No nation, not even America, is perfect, but as Abraham Lincoln said in his address to the Young Men's Lyceum of Springfield in 1838, "There is no grievance that is a fit object of redress by mob law." We must restore the "temple of liberty...with other pillars, hewn from the solid quarry of sober reason."¹⁵² Our generation, and every generation, must "let the proud fabric of freedom rest" upon the ideas of liberty, "a reverence for the constitution and laws," and the pursuit of a civil society that offers freedom and opportunity to all Americans, regardless of the color of their skin.¹⁵³

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Appendix

Critical Race Theory: A movement that is “a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power.”¹⁵⁴

De-colonialism: An “applied postmodern mind-set” that believes “we must devalue white, Western ways of knowing for belonging to white Westerners and promote Eastern ones (in order to equalize the power imbalance.”¹⁵⁵

Disparate Impact: An approach to civil rights enforcement that claims that an entirely neutral policy that does not discriminate on its face, is not intended to discriminate, and does not actually treat individuals differently based on their race *still* constitutes illegal racial discrimination if it has a “disproportionate” statistical effect among different racial and ethnic groups.¹⁵⁶

Diversity: Diversity is desirable when it obtains organically as a result of meritocracy. Numerous reports show that companies with women and people from various demographic backgrounds in leadership out-earn companies without them. In one such report this year, McKinsey & Company found that “the relationship between diversity on executive teams and the likelihood of financial outperformance has strengthened over time.”¹⁵⁷

What CRT adherents always mean when they use the term, however, is *enforced* diversity through the use of mandated or recommended quotas. This cannot but lead to worse outcomes if it results in the hiring of less-competent workforce or management. It is also coercive. To pretend, as Ibram X. Kendi does, that “[a] racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups,” is to demand quotas in hiring, admissions, contracting, etc.¹⁵⁸

Equity: The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”¹⁵⁹

This meaning has been completely inverted in today’s usage. Today, equity has come to mean the opposite of equality. Again, we have Kendi to help us: “The defining question is whether the discrimination is creating equity or inequity. If discrimination is creating equity, then it is antiracist. If discrimination is creating inequity, then it is racist. Someone reproducing inequity through permanently assisting an overrepresented racial group into wealth and power is entirely different than someone challenging that inequity by temporarily assisting an underrepresented racial group into relative wealth and power until equity is reached. The only remedy to racist discrimination is antiracist discrimination.”¹⁶⁰

Equity, then, means inequality of treatment. Kris Putnam-Walkerly and Elizabeth Russell of the Putnam Consulting Group see equity as something even approaching the Marxian “to each according to his needs.” They write that equity is “different from ‘equality,’ in which everyone has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform.” Equity, to them, “is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go.”¹⁶¹

Intersectionality: A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”¹⁶²

Minorities: This term has evolved to include now the idea of “collective victimization” and is intricately tied to identity politics, which is a political project of the Left. This was not always the case, however. The modern-day usage of this word does not appear in a dictionary until 1961.¹⁶³ In the 18th century, James Madison and the other Founding Fathers used the term to mean those political factions who were numerically inferior to an ideological majority. In the 19th and early 20th centuries, the term was used to refer to ethnic minorities in Europe, especially those of the polyglot Ottoman, Russian, and Hapsburg empires.

The sociologist Philip Gleason says the media in 1929 mentioned “disgruntled minorities,” such as “growling Ruthenians” and “scowling Macedonians,” suggesting that “Americans found the spectacle of national minority bickering distasteful.”¹⁶⁴ In 1938, the U.S. Supreme Court used something close to the modern definition of the term when Justice Harlan Stone asked in footnote four of the *U.S. v. Carolene Products* decision (but leaving the question unanswered) whether “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”¹⁶⁵ This is known as the “most famous footnote in law” because it introduced the concept of strict scrutiny.

Louis Wirth, a German-born American sociologist and urbanist associated with the Frankfurt School is credited with defining the term in the modern American meaning for the first time in 1945, in a foundational essay in which he stated: “We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out by the others in the society in which they live for differential and unequal

treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges." He cited "the Negro, the Indian, and the Oriental," as well as "Catholics, Jews, and Mormons" as examples of minorities in the United States.¹⁶⁶

People of Color: This is one of the newest terms in the lexicon. In one of the most comprehensive accounts on the origin of such terms as minorities, Gleason speculates that it "owes part of its appeal to its implicit restriction of the special status accorded 'designated minorities' to those distinguished by a racially linked phenotypical feature."¹⁶⁷ In an eye-opening op-ed in *The New York Times* in 2020—eye-opening because of what it said and where it was published—Haney Lopez and Tory Gavito reported on a survey they had just concluded, writing that, "Progressives commonly categorize Latinos as people of color, no doubt partly because progressive Latinos see the group that way and encourage others to do so as well. Certainly, we both once took that perspective for granted. Yet in our survey, only one in four Hispanics saw the group as people of color. In contrast, the majority rejected this designation. They preferred to see Hispanics as a group integrating into the American mainstream, one not overly bound by racial constraints but instead able to get ahead through hard work."¹⁶⁸

White Supremacy: The term "white supremacy" can be confusing because it can mean an actual belief in the superiority of white people, in which case it is despicable. However, it is nearly *always* employed to mean something much larger—anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution. It is constantly used in CRT discourses, yet hardly ever defined. Robin DiAngelo does helpfully supply something close to a definition, one in which she tells us that employing the term to define, say, the KKK, is "reductive" and obscures the entirety of the system.

"White supremacy," she writes, "is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination." She further states, "While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.... I

hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in.”

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31. We discuss the use of such narratives in the section on K–12 schools *infra*.
32. Bell, "Who's Afraid of Critical Race Theory?" p. 901.
33. Delgado mentions only Gramsci as a source that CRT draws from, and Gramsci was not a formal member of the school.
34. Ibid., p. 899.
35. Delgado and Stefancic, *Critical Race Theory: An Introduction*, p. 3.
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Reviewed As To Form By
Legislative Service Commission

I_134_1448-1

. B. No.

134th General Assembly
Regular Session
2021-2022

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 racist, sexist, or oppressive, whether consciously or unconsciously. 17
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(d) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's nationality, color, ethnicity, race, or sex. 20
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(e) Members of one nationality, color, ethnicity, race, or sex cannot and should not attempt to treat others without respect to nationality, color, ethnicity, race, or sex. 23
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(f) An individual's moral character is necessarily determined by the individual's nationality, color, ethnicity, race, or sex. 26
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(g) An individual, by virtue of the individual's nationality, color, ethnicity, race, or sex, bears responsibility for actions committed in the past by other members of the same nationality, color, ethnicity, race, or sex. 29
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(h) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by a particular nationality, color, ethnicity, race, or sex to oppress another nationality, color, ethnicity, race, or sex. 33
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(i) Any other form of race or sex stereotyping or any other form of race or sex scapegoating. 37
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(2) "Race or sex stereotyping" means ascribing character traits, values, moral and ethical codes, privileges, status, or beliefs to a nationality, color, ethnicity, race, or sex or to an individual because of the individual's nationality, color, ethnicity, race, or sex. 40
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(3) "Race or sex scapegoating" means assigning fault,

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blame, or bias to a nationality, color, ethnicity, race, or sex
or to members of a nationality, color, ethnicity, race, or sex
because of their nationality, color, ethnicity, race, or sex. It
also includes any claim that consciously or unconsciously, and
by virtue of their nationality, color, ethnicity, race, or sex,
members of any nationality, color, ethnicity, race, or sex,
inherently racist or are inherently inclined to oppress others
or members of a sex are inherently sexist or are inherently
inclined to oppress others.

(B) (1) No school district shall teach, instruct, or train
any divisive concepts, nor shall any school district require a
student to advocate for or against a specific topic or point of
view to receive credit for any coursework.

(2) No school district shall accept private funding for
the purpose of developing a curriculum, purchasing or selecting
course materials, or providing teacher training or professional
development for a course promoting divisive concepts.

(C) If the superintendent of public instruction determines
that any school district knowingly violates the prohibitions
prescribed in division (B) of this section, the department of
education shall withhold state funding from the district in the
amount determined by the department until such time as the
department determines the district no longer is in violation of
that division.

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

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2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

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state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

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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	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

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department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection; 334

(28) That the school's attendance and participation 335
records shall be made available to the department of education, 336
auditor of state, and school's sponsor to the extent permitted 337
under and in accordance with the "Family Educational Rights and 338
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 339
and any regulations promulgated under that act, and section 340
3319.321 of the Revised Code; 341

(29) If a school operates using the blended learning 342
model, as defined in section 3301.079 of the Revised Code, all 343
of the following information: 344

(a) An indication of what blended learning model or models 345
will be used; 346

(b) A description of how student instructional needs will 347
be determined and documented; 348

(c) The method to be used for determining competency, 349
granting credit, and promoting students to a higher grade level; 350

(d) The school's attendance requirements, including how 351
the school will document participation in learning 352
opportunities; 353

(e) A statement describing how student progress will be 354
monitored; 355

(f) A statement describing how private student data will 356
be protected; 357

(g) A description of the professional development 358
activities that will be offered to teachers. 359

(30) A provision requiring that all moneys the school's 360

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

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
expiration of the contract, the contract shall be void and the
school shall not enter into a contract with any other sponsor. A
school shall not be considered permanently closed because the
operations of the school have been suspended pursuant to section
3314.072 of the Revised Code.

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

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

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(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
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(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state employee shall face any penalty or discrimination on account of the employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts. No state employee shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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(C) The administrative head of each state agency shall do the following: 502
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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: Rep95
Sent: Thursday, May 20, 2021 9:18 AM
To: Jones, Don
Subject: FW: Critical Race Theory (CRT) Bill Sponsor Request...
Attachments: Heritage Foundation - Critical Race Theory.pdf; I_134_1448-1.pdf

They finally do have a bill....

From: jstover1@aol.com <jstover1@aol.com>
Sent: Wednesday, May 19, 2021 10:30 PM
To: Rep01 <Rep01@ohiohouse.gov>; Rep02 <Rep02@ohiohouse.gov>; Rep03 <Rep03@ohiohouse.gov>; Rep04 <Rep04@ohiohouse.gov>; Rep05 <Rep05@ohiohouse.gov>; Rep07 <Rep07@ohiohouse.gov>; Rep23 <Rep23@ohiohouse.gov>; Rep27 <Rep27@ohiohouse.gov>; Rep29 <Rep29@ohiohouse.gov>; Rep30 <Rep30@ohiohouse.gov>; Rep36 <Rep36@ohiohouse.gov>; Rep38 <Rep38@ohiohouse.gov>; Rep40 <Rep40@ohiohouse.gov>; Rep41 <Rep41@ohiohouse.gov>; Rep42 <Rep42@ohiohouse.gov>; Rep43 <Rep43@ohiohouse.gov>; Rep47 <Rep47@ohiohouse.gov>; Rep48 <Rep48@ohiohouse.gov>; Rep50 <Rep50@ohiohouse.gov>; Rep51 <Rep51@ohiohouse.gov>; Rep52 <Rep52@ohiohouse.gov>; Rep53 <Rep53@ohiohouse.gov>; Rep54 <Rep54@ohiohouse.gov>; Rep55 <Rep55@ohiohouse.gov>; Rep57 <Rep57@ohiohouse.gov>; Rep59 <Rep59@ohiohouse.gov>; Rep61 <Rep61@ohiohouse.gov>; Rep62 <Rep62@ohiohouse.gov>; Rep63 <Rep63@ohiohouse.gov>; Rep65 <Rep65@ohiohouse.gov>; Rep66 <Rep66@ohiohouse.gov>; Rep67 <Rep67@ohiohouse.gov>; Rep68 <Rep68@ohiohouse.gov>; Rep69 <Rep69@ohiohouse.gov>; Rep70 <Rep70@ohiohouse.gov>; Rep71 <Rep71@ohiohouse.gov>; Rep72 <Rep72@ohiohouse.gov>; Rep73 <Rep73@ohiohouse.gov>; Rep74 <Rep74@ohiohouse.gov>; Rep75 <Rep75@ohiohouse.gov>; Rep76 <Rep76@ohiohouse.gov>; Rep77 <Rep77@ohiohouse.gov>; Rep78 <Rep78@ohiohouse.gov>; Rep79 <Rep79@ohiohouse.gov>; Rep80 <Rep80@ohiohouse.gov>; Rep81 <Rep81@ohiohouse.gov>; Rep82 <Rep82@ohiohouse.gov>; Rep83 <Rep83@ohiohouse.gov>; Rep84 <Rep84@ohiohouse.gov>; Rep85 <Rep85@ohiohouse.gov>; Rep86 <Rep86@ohiohouse.gov>; Rep87 <Rep87@ohiohouse.gov>; Rep88 <Rep88@ohiohouse.gov>; Rep89 <Rep89@ohiohouse.gov>; Rep90 <Rep90@ohiohouse.gov>; Rep91 <Rep91@ohiohouse.gov>; Rep92 <Rep92@ohiohouse.gov>; Rep93 <Rep93@ohiohouse.gov>; Rep94 <Rep94@ohiohouse.gov>; Rep95 <Rep95@ohiohouse.gov>; Rep96 <Rep96@ohiohouse.gov>; Rep97 <Rep97@ohiohouse.gov>; Rep98 <Rep98@ohiohouse.gov>; Rep99 <Rep99@ohiohouse.gov>
Subject: Critical Race Theory (CRT) Bill Sponsor Request...

Republican House Members:

If you are not currently a sponsor, Ohio Value Voters is respectfully requesting your sponsorship of a Critical Race Theory (CRT) bill (attachment) which is jointly sponsored by Rep. Diane Grendell and Rep. Sarah Fowler Arthur. This bill will prohibit the racist indoctrination of students in Ohio classrooms.

In Ohio, the following was written by a Mad River school district teacher:

"I am ashamed of my white privileged skin. Ashamed of my white brothers and sisters with their small minds killing my innocent brothers and sisters because of a color."

Provided are two documents which explain the issues of Critical Race Theory:

Peter Kirsanow ==> <https://conta.cc/3uY8JFS>

Heritage Foundation (attached)

Parents across Ohio have contacted our organization expressing their concerns with CRT in their schools.

Thank you.

John Stover, President
Ohio Value Voters

Critical Race Theory, the New Intolerance, and Its Grip on America

Jonathan Butcher and Mike Gonzalez

KEY TAKEAWAYS

Critical Race Theory makes race the prism through which its proponents analyze all aspects of American life.

CRT underpins identity politics, which reimagines the U.S. as a nation riven by groups, each with specific claims on victimization.

CRT's intolerance can be found in schools, the workplace, and the entertainment sector, "normalizing" belief in systemic racism for the average American.

As its name should make abundantly clear, Critical Race Theory (CRT) is the child of Critical Theory (CT), or, to be more precise, its grandchild. Critical Theory is the immediate forebearer of Critical *Legal* Theory (CLT), and CLT begat CRT. As we discuss in this *Backgrounder*, however, there are strong thematic components linking CT, CLT, and CRT. Among these are:

- The Marxist analysis of society made up of categories of oppressors and oppressed;
- An unhealthy dollop of Nietzschean relativism, which means that language does not accord to an objective reality, but is the mere instrument of power dynamics;

This paper, in its entirety, can be found at <http://report.heritage.org/bg3567>

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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*.¹ Angela P. Harris—also a major early figure of CRT—agrees, though she attributes co-parentage to a different source. She said:

For me, Critical Race Theory (CRT) began in July of 1989, at the First Annual Workshop of Critical Race Theory at St. Benedict's Center, Madison, Wisconsin. CRT looked like a promise: a theory that would link the methods of Critical Legal Studies [CLS] with the political commitments of “traditional civil rights scholarship” in a way that would revitalize scholarship on race and correct the deconstructive excesses of CLS.²

This strong political commitment is at the core of CRT. Americans should defend civil rights, and we should actively work to eliminate racism in the U.S. and anywhere it exists—but as we document in this *Background*, these noble aims are *not* the stated intentions of CRT’s founders. Harvard academic Derrick A. Bell, the recognized godfather of the CRT movement, does not mince words in one of the essays laying out the radical aims of the theory: “As I see it, critical race theory recognizes that revolutionizing a culture begins with the radical assessment of it.”³ Critical Race Theory shares these goals with both Critical Theory and Critical Legal Theory (or Critical Legal Studies).

This report offers the following:

1. Gives a synopsis of these three related disciplines. This includes an explanation of how CRT specifically affects Americans today and a discussion of how CRT's ideas support the concept of identity politics and blend the ideas of victimization, group identity, and political action together, leading to a divisive civic and political culture.
2. Explains how the Black Lives Matter organizations built an aggressive political movement on CRT's racially focused ideas—ideas apologists can use to justify violent riots.
3. Discusses ways policymakers and educators are integrating CRT into K-12 instruction.
4. Traces the roots of the school shooting in Parkland, Florida, in 2018 to a school policy dealing with student discipline that is being used by CRT advocates and researchers.
5. Explains that the free speech crisis on college campuses today is the application of CRT's and CT's core tenets.
6. Discusses CRT's impact on the workplace and diversity trainings, some of which pressure employees to become activists or to discuss controversial topics in the workplace.
7. Offers examples of how entertainers—actors, critics, and others—are using CRT's ideas to influence decision-making in Hollywood.
8. Provides policy recommendations that are aimed at restoring the concepts of judging people not by the color of their skin but by their conduct and the need to protect liberty so that everyone, regardless of ethnicity or background, has the opportunity to pursue the American Dream.

Critical Theory

The origins of Critical Theory can be traced to the 1937 manifesto of the Institute for Social Research in Frankfurt, colloquially known as the Frankfurt School. One of the first examples of what has come to be called the Western Marxist schools of thought, the Institute modeled itself on the Moscow-based Marx-Engels Institute. Originally, the school's official name was going to be

the *Institut für Marxismus* (Institute for Marxism), but, ever desirous of downplaying their Marxist roots, its founders thought it prudent to adopt a less provocative title, according to one of the best histories of the school's work and of Critical Theory itself, *The Dialectical Imagination*, by Martin Jay.⁴

Critical Theory was, from the start, an unremitting attack on Western institutions and norms in order to tear them down. This attack was aimed only at the West. Even though the manifesto, titled *Traditional and Critical Theory*, was written at the height of Joseph Stalin's purges, show trials, and famines, the school "maintained an almost complete official silence about events in the USSR," according to Jay.⁵ The manifesto, written by the school's second director, Max Horkheimer, claimed that traditional theory fetishized knowledge, seeing truth as empirical and universal. Critical theory, on the other hand, "held that man could not be objective and that there are no universal truths."⁶

This relativism was inherited from Friedrich Nietzsche and filtered through the dialectics of Georg Friedrich Hegel and his best-known disciple, Karl Marx. The Frankfurt School philosophers believed that "a true epistemology must end the fetish of knowledge as such, which as Nietzsche demonstrated, leads to abstract systematizing," wrote Jay.⁷ As for their Marxism, three years earlier, Horkheimer had let his true feelings for the Soviet state be known in a collection of short essays known as *Dammerung* (in German, both "dawn" and "twilight"). "He who has eyes for the meaningless injustice of the imperialist world, which in no way is to be explained by technical impotence, will regard the events in Russia as the progressive, painful attempt to overcome this injustice," he wrote.⁸

Critical Theory, and the Frankfurt School in general, were thus a renaissance of Hegelian thought and of the revolutions that had taken place as a result in 1848—repackaged for a now-industrialized Germany. "To trace the origins of Critical Theory to their true source would require an extensive analysis of the intellectual ferment of the 1840s, perhaps the most extraordinary decade in 19th century German intellectual history," wrote Jay.⁹ He adds, "It can be argued that the Frankfurt School was returning to the concerns of the Left Hegelians of the 1840s. Like that first generation of critical theorists, its members were interested in the integration of philosophy and social analysis."¹⁰

Critical Theory and Its Early Applications

In the context of the era, Critical Theory's demolition of Western traditions and norms was nothing less than a tool to implement the counter-hegemony called for in the Theory of Cultural Hegemony enunciated

in the first decades of the 20th Century by Antonio Gramsci. Marx and Friedrich Engels had promised constant revolution by the workers of the world, but by the early 1930s, few had succeeded. The founder of the Italian Communist Party, Gramsci had come to believe that the workers were not revolting and overthrowing the bourgeoisie because they had bought into the belief system of the ruling class—family, nation-state, the capitalist system, and God. What was needed was struggle sessions in which the revolutionary vanguard would teach the workers how to think. But first the norms needed to be torn down. That is where Critical Theory—and, as we will see, all its offshoots—come in.

Horkheimer and the other Frankfurt scholars left Germany to escape the Third Reich, fleeing first to Geneva, then to New York, where Columbia University allowed them to set up camp in 1935 at Teachers' College. In the United States they developed the same disdain for the American worker that Gramsci had felt for his Italian counterpart. "They insist unwaveringly on the ideology by which they are enslaved," Horkheimer wrote with another Frankfurt School scholar, Theodor Adorno, about the American worker.¹¹ After the defeat of the Nazi regime, Horkheimer, Adorno, and the others were able to return to Germany. But they left behind Horkheimer's assistant, Herbert Marcuse, who became one of the leading spokesmen of the New Left.

A witness to the upheavals caused by the riots and violence associated with the Civil Rights era and the anti-Vietnam War Movement, Marcuse discovered in them a new agent of change: minorities, of which more categories would need to be created. "Underneath the conservative popular base is the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors," Marcuse wrote. They would still need to be led ideologically—"their opposition is revolutionary even if their consciousness is not"—but the potential to stoke grievances among them was there in a way that did not exist with workers as a category.¹²

Critical Legal Theory

It is at this point that Critical Legal Theory takes over. Its scholars self-consciously acknowledge their debt to Critical Theory and other Marxist movements that came before the Frankfurt School. "Although CLS has been largely contained within the United States, it was influenced to a great extent by European philosophers, such as Karl Marx, Max Weber, Max Horkheimer, Antonio Gramsci, and Michel Foucault," reads the entry for CLT in the Cornell Law School's Legal Information Institute.¹³

The Cornell entry for Critical Legal Studies explains:

Critical legal studies (CLS) is a theory which states that the law is necessarily intertwined with social issues, particularly stating that the law has inherent social biases. Proponents of CLS believe that the law supports the interests of those who create the law. As such, CLS states that the law supports a power dynamic which favors the historically privileged and disadvantages the historically underprivileged. CLS finds that the wealthy and the powerful use the law as an instrument for oppression in order to maintain their place in hierarchy.¹⁴

Then comes the kicker: “Many in the CLS movement want to overturn the hierarchical structures of modern society[,] and they focus on the law as a tool in achieving this goal.”

Just as with Critical Theory, Critical Legal Theory is, then, an instrument to overturn society for those who follow its tenets, this time from a legal perspective. The law, they argue, is simply the cultural hegemony codified in statutes and defended by a jurisprudence that aims to support the powerful against the claims of the marginalized. CLT proponents trace their founding to the first Conference on Critical Legal Studies, held at the University of Wisconsin at Madison in 1977. Among its main theorists figure Duncan Kennedy, Roberto Mangabeira Unger, and Robert W. Gordon.¹⁵

In a 2002 essay, Kennedy acknowledges the debt Critical Legal Theory owes to both Marxism and post-modernism (championed by a mostly Parisian set of intellectuals who preached that texts could be “deconstructed” by the reader, a complicated philosophical concept that involves reinterpreting words to replace ideas based on objective physical existence), two separate critiques of bourgeois reality that nevertheless can rub uneasily against each other. “Critical legal studies,” he writes, “operates [sic] at the uneasy juncture of two distinct, sometimes complementary and sometimes conflicting enterprises, which I will call the left and the modernist/post-modernist projects.”¹⁶

“Leftism aims to transform existing social structures on the basis of a critique of their injustice, and, specifically, at the injustices of racist, capitalist patriarchy. The goal is to replace the system, piece by piece or in medium- or large-sized blocs, with a better system,” writes Kennedy.¹⁷ Post-modernism is a much more complex phenomenon, but it aims at the same destruction of society as the Marxist project, starting with the use of reason itself. We can gain a sense of such complexity in Kennedy’s own abstruse writing on Modernism/Postmodernism (or MPM). He explains:

[MPM] is a critique of the characteristic forms of rightness of this same culture and aims at liberation from inner and outer experiences of constraint by reason, in the name, not of justice and a new system, but of the dialectic of system and anti-system, mediated by transgressive artifacts that paradoxically reaffirm the "higher" forms of the values they seem to traduce.¹⁸

Just as with Critical Theory, post-modernism borrows heavily from the Nietzschean attack on objectivity. Writes Kennedy:

For the [MPM] project, the demand for agreement and commitment on the basis of representation with the pretension to objectivity is an enemy. The specific enemies have been the central ethical/theoretical concepts of bourgeois culture, including God, the autonomous individual choosing self, conventional morality, the family, manhood and womanhood, the nation state, humanity.¹⁹

CLT scholars also display an awareness of the rising identity groups that Marcuse identified as the new revolutionary base. Kennedy quotes approvingly his fellow university professor Cornell West as asserting the existence of an

inchoate, scattered yet gathering progressive movement that is emerging across the American landscape. This gathering now lacks both the vital moral vocabulary and the focused leadership that can constitute and sustain it. Yet it will be rooted ultimately in current activities by people of color, by labor and ecological groups, by women, by homosexuals.²⁰

Kennedy adds that "in the United States, by the end of the 1970s, with the rise of identity politics, left discourse merged with liberal discourse, and the two ideas of the rights of the oppressed and the constitutional validity of their legal claims superseded all earlier versions of rightness."²¹

Harvard's Berkman Klein Center's entry on Critical Legal Theory neatly teases out the link between the legal analysis of power relations with the emerging identity-based politics. It writes that CLT scholars:

focused from the start on the ways that law contributed to illegitimate social hierarchies, producing domination of women by men, nonwhites by whites, and the poor by the wealthy. They claim that apparently neutral language and institutions, operated through law, mask relationships of power and control. The emphasis on individualism within the law similarly hides patterns of power relationships while making it more difficult to summon up a sense of community and human interconnection.²²

Critical Race Theory

From there it is a short step to Critical Race Theory. Unsurprisingly, given its name, CRT makes everything about race the prism through which its proponents analyze all aspects of American life—and do so with a degree of persistence that has helped CRT impact all aspects of American life.

Derrick Bell, referenced above, the widely-acknowledged “godfather” of CRT, explains in the essay cited earlier that the work of CRT authors “is often disruptive because its commitment to anti-racism goes well beyond civil rights, integration, affirmative action, and other liberal measures.”²³ Bell quotes Angela P. Harris as explaining that CRT inherits from its Critical Legal Theory ancestor the commitment to dismantle all aspects of society through unremitting criticism—and at the same time eschews the woolly deconstructionist excesses of the postmodernists and adopts the practicality of the Civil Rights movement. Bell points to theorist and professor Charles Lawrence and says he “speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective.”²⁴ Because the law “systematically privileges subjects who are white,” CRT calls for a “transformative resistance strategy.”²⁵

CRT’s Theoretical Applications. Because CRT is so intent on real-life transformation, some aspects of post-modernism and its deconstructionism had to be jettisoned, or at least sidelined. Kimberle Crenshaw, the CRT scholar who first came up with the CRT term “intersectionality,” put the need to abandon the Parisian post-modernism best when she wrote:

While the descriptive project of postmodernism of questioning the ways in which meaning is socially constructed is generally sound, this critique sometimes misreads the meaning of social construction and distorts its political relevance.... But to say that a category such as race or gender is socially constructed is not to say that that category has no significance in our world. On the contrary, a large and continuing project for subordinated people—and indeed, one of the projects for which postmodern theories have been very helpful in thinking about—is the way power has clustered around certain categories and is exercised against others.²⁶

In the end, the identity politics that CRT exists to implement was more important than salon revelries. Adherents can apply intersectionality, for example: Someone can claim to be oppressed in more than one way by citing association with more than one social group, or “axis.”²⁷ CRT writers Patricia Hill Collins and Sirma Bilge explain that with intersectionality, “people’s

lives and the organization of power in a given society are better understood as being shaped not by a single axis of social division, be it race or gender or class, but by many axes that work together and influence each other.”²⁸ In this way, write Helen Pluckrose and James Lindsay, CRT results in people looking for “power imbalances, bigotry, and biases that it assumes must be present,” which reduces everything to prejudice, “as understood under the power dynamics asserted by Theory.”²⁹

Of the three critical schools of thought analyzed here,³⁰ CRT is the least intellectually ethereal and the most explicitly political. Its use of story-telling—easy to understand fictional vignettes that seek to portray in every-day life terms the “systemic racism” that CRT scholars insist exists in America—is but one of the ways that CRT scholars seek to effect change.³¹ Abstraction is to be avoided because it “smuggles the privileged choice of the privileged to depersonify [sic] their claims and then pass them off as the universal authority and the universal good.”³²

It is perhaps for this reason that CRT hardly ever identifies the Frankfurt School or its Critical Theory predecessor as an influence, only acknowledging a debt to Critical Legal Theory.³³ CRT’s ceaseless assault on all American institutions and norms is pure Critical Theory, however. This assault includes the liberal order—in the classical sense, referring to Enlightenment ideas and political arrangements in which law protects individuals pursuing their own interests—something CRT scholars openly admit.

CRT and Classical Liberal Ideas

CRT’s proponents, writes Bell, “are highly suspicious of the liberal agenda, distrust its method, and want to retain what they see as a valuable strain of egalitarianism which may exist despite, and not because of, liberalism.”³⁴ This is an important departure from the original goals of the Civil Rights movement, which sought to redeem America’s promise by calling for color-blind equality. “Unlike traditional civil rights discourse, which stresses incrementalism and step-by-step progress, critical race theory questions the very foundations of the liberal order, including equality theory, legal reasoning, Enlightenment rationalism, and neutral principles of constitutional law,” acknowledges Delgado.³⁵

The radical egalitarianism obviously clashes with strong protections of property rights and any notion of equal protection under the law. These are not the only liberal rights to be thrown overboard. Freedom of speech is also in CRT’s sights. “Being committed to ‘free speech’ may seem like a neutral principle, but it is not. Thus, proclaiming that ‘I am committed equally to allowing

free speech for the KKK and 2LiveCrew' is a non-neutral value judgment, one that asserts that the freedom to say hateful things is more important than the freedom to be free from the victimization, stigma, and humiliation that free speech entails."³⁶ Thus we arrive at today's cancel culture.³⁷

Even the idea of rights itself—the very concept upon which this country was founded—is a target of CRT. "Crits are suspicious of another liberal mainstay, namely, rights," observes Delgado, using the informal abbreviation CRT writers sometimes employ to describe themselves. The "more radical CRT scholars with roots in racial realism and an economic view of history believe that moral and legal rights are apt to do the right holder much less good than we like to think.... Think how that system applauds affording everyone equality of opportunity but resists programs that assure equality of results." Rights are "alienating. They separate people from each other—'stay away, I've got my rights'—rather than encouraging to form close, respectful communities."³⁸ The liberal principle that we universally derive these rights from a common humanity and human faculties we all share equally comes under the gun. Classical liberalism is "overly caught up in the search for universals," writes Delgado. What CRT proponents want is "individualized treatment—'context'—that pays attention to minorities' lives."³⁹ "The concepts of rights is indeterminate, vague and disutile," in Bell's words.⁴⁰

Legal and administrative neutrality, too, is an enemy because it gets in the way of uplifting such minority voices. Also—and this is a recurring theme with all critical schools, starting with Horkheimer, if not Nietzsche—neutrality is impossible to attain. On this point, Bell cites Lawrence again:

Charles Lawrence [a law professor] speaks for many critical race theory adherents when he disagrees with the notion that laws are or can be written from a neutral perspective. Lawrence asserts that such a neutral perspective does not, and cannot, exist—that we all speak from a particular point of view, from what he calls a 'positioned perspective.' The problem is that not all positioned perspectives are equally valued, equally heard, or equally included. From the perspective of critical race theory, some positions have historically been oppressed, distorted, ignored, silenced, destroyed, appropriated, commodified, and marginalized—and all of this, not accidentally.⁴¹

CRT is purposely political and dispenses with the idea of rights because it blames all inequalities of outcome on what its adherents say is pervasive racism in the United States. "White supremacy," a term that comes up repeatedly in CRT discourse and continues to be heavily used today by leaders of the Black Lives Matter organizations, must be smashed. White

supremacy does not mean an actual belief in the superiority of white people, however. It can mean anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution.

One of the most famous practitioners of CRT today, Robin DiAngelo, writes in her book, *White Fragility*:

White supremacy is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination. Again, racism is a structure, not an event. While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.⁴²

“I hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in,” DiAngelo writes.⁴³ Its use is a very successful example of the Left’s use of *strategic ambiguity* in the pursuit of a rather large and ambitious goal. The target is a free-market system that rewards hard work, ability, and other virtuous traits. Other CRT terms that have specific and unique meanings when used by its practitioners are “equity,” “diversity,” “inclusion,” and “people of color.”⁴⁴ CRT speakers have also developed peculiar turns of phrase that are specific to the group; supporters are said to be “in allyship” or “in relationship.” The U.S. is said to be a “carceral state.”⁴⁵

How Does Critical Race Theory Affect You?

Because of their strong political commitment to transforming the United States, CRT writers make clear that they do not intend for what happens on college campuses to stay on campus. “It is our hope that scholarly resistance will lay the groundwork for wide-scale resistance. We believe that standards and institutions created by and fortifying white power ought to be resisted,” writes Bell.⁴⁶ On that score, we must pronounce CRT to have been a resounding success. CRT has broken out of the classroom and become the philosophy of wide-scale resistance. It is useful to identify a few of the ways with which it impacts the daily lives of Americans.

Identity Politics. CRT has become the academic body of work that underpins identity politics, an ongoing effort to reimagine the United States as a nation not of individuals and local communities united under common purposes, but as one riven by groups based on sex, race, national origin, or gender—each with specific claims on victimization. These identity categories correspond to Marcuse’s new revolutionary base (“the substratum of the outcasts and outsiders, the exploited and persecuted of other races and other colors”).⁴⁷ The identities are often artificial ones manufactured by government itself, examples being the Hispanic and Asian-American pan-ethnicities contrived in 1977 by the Office of Management and Budget (OMB), or the 31 genders approved by the New York City Commission on Human Rights.⁴⁸ Under identity politics, America is no longer a country where the individual is the central agent in society, who, because of his very existence possesses *individual* rights. Instead, membership in the official categories becomes the identity that matters when it comes to rights (mostly positive rights, not natural ones), responsibilities, and everything else. Identity politics has become the new paradigm under which many Americans now operate. Victimhood is what commands attention, respect, and entitlements, seen as compensatory justice.

CRT emerged contemporaneously with the proliferation of these identity categories in America and became the philosophical tool to implement identity politics and the attempt to transform the United States. *Race, Racism and American Law* by Derrick Bell includes toward the end a chapter for “Racism and Other Nonwhites,” among whom he names for the United States the Chinese, the Japanese, and the Mexicans.⁴⁹ It was published in 1972, two years before the Census Bureau bureaucrats, under pressure from leftist activists, opened the first national racial and ethnic advisory committee.⁵⁰ Just three years later, these activists convinced the OMB to create the pan-ethnic categories.

The simultaneity was hardly coincidental: The activists who forced the bureaucracy to confect the identities also drank deeply from the well of European philosophies brought over after World War II. “The language of ‘dominant’ and ‘subservient,’ or ‘subordinate,’ groups, integral to Critical Theory and the Frankfurt School” pervaded the work of Julian Samora, the first founder of a Hispanic studies department at a major university, the first leader of La Raza [“The Race”] and a member of the Census Bureau’s first national advisory committee on race. Samora’s 1953 dissertation, titled “Minority Leadership in a Bi-Cultural Community,” quotes the German-born American social psychologist Kurt Lewin, who was associated with the Frankfurt School.⁵¹

CRT reshaped the identitarians' thinking in new ways still and gave them newer terms to express these thoughts. Soon CRT was spawning Critical Latin Theory and other spinoffs that were identical in their approach—save for the “marginalized” subjects to be emphasized. Identity politics is difficult to challenge because it presents itself as a just demand for formerly marginalized people to claim attention and reward, but it seeks to collectivize American society; it is divisive, flouts constitutional equal protection, and represents a direct threat to republican self-rule. In all this it has found a handmaiden in CRT.

The Black Lives Matter Insurgency. The year 2020, with its protests and riots—as well as the overwhelming acceptance by the media, professional sports, corporations, the academy, and virtually all power centers, that America is irredeemably racist and must overhaul its entire system—has demonstrated that CRT's teachings have moved beyond the ivory towers and ivy walls.

How much of CRT's success has contributed to America's current obsession with race is a question that can be answered through data analysis. A separate question is how much CRT scholars, trainers, and consultants have benefitted as a result of this year's violence. The answer to the latter is, conclusively, “a lot.”

Though some may think that the new scrutiny of racial explanations for all aspects of American life may have been sparked by the death under police custody of George Floyd on May 25, 2020, an analysis for the publication the *Tablet* by Zach Goldberg, a doctoral candidate at Georgia State University, in August 2020 discovered the inverse is true. He writes:

Countless articles have been published in recent weeks, often under the guise of straight news reporting, in which journalists take for granted the legitimacy of novel theories about race and identity. Such articles illustrate a prevailing new political morality on questions of race and justice that has taken power at the [New York] Times and [Washington] Post—a worldview sometimes abbreviated as ‘wokeness’ that combines the sensibilities of highly educated and hyperliberal white professionals with elements of Black nationalism and academic critical race theory. But the media's embrace of ‘wokeness’ did not begin in response to the death of George Floyd. This racial ideology first began to take hold at leading liberal media institutions years before the arrival of Donald Trump and, in fact, heavily influenced the journalistic response to the protest movements of recent years and their critique of American society.⁵²

What Goldberg discovered through regression analyses of articles is that a “rapid proliferation of articles employing the tropes of critical race theory to ascribe racial guilt in the American system represents a reckoning with white supremacy and inequality.”⁵³ The jargon of CRT had seeped into American media, and thus into Americans’ collective consciousness, years before the Trump presidency, long before Floyd’s death. Goldberg explains:

Starting well before Donald Trump’s rise to power, while President Obama was still in office, terms like ‘microaggression’ and ‘white privilege’ were picked up by liberal journalists. These terms went from being obscure fragments of academic jargon to commonplace journalistic language in only a few years.... During this same period, while exotic new phrases were entering the discourse, universally recognizable words like ‘racism’ were being radically redefined. Along with the new language came ideas and beliefs animating a new moral-political framework to apply to public life and American society.⁵⁴

All the beliefs that are espoused today by the three founders of the Black Lives Matter organizations (Alicia Garza, Patrisse Cullors, and Opal Tometi)—that America is institutionally/structurally/systemically racist, that its legal system protects the powerful and amounts to racism codified in statutes, that neutrality and objectivity are impossible to obtain, that “objectivity and individuality are privileges,”⁵⁵ that the gauge by which to judge America is equality of outcome, that speech and other rights must be suppressed in order to protect the marginalized—come straight from the CRT canon.

Writing about the impact that Michael Brown’s death in August 2014 had on the nation, the academic James A. Lindsay observed:

Brown’s death mainstreamed Black Lives Matter and, in many respects, many of the core claims and assumptions of critical race theory throughout 2015 and 2016.... Its fundamental claim was that America was systemically racist and that this could be seen most clearly in the American police, criminal justice, and penal systems.... That none of this was true was irrelevant as Black Lives Matter mainstreamed the idea that ‘lived experience’ and ‘lived realities’ are more important arbiters of ‘truth’ than truth itself. These beliefs are central to the core assumption of critical race theory that ‘counterstories’ and narratives are more important than facts and truth where systemic racism (and other systemic oppression) is concerned. (This—storytelling, counterstory, and narrative related in service to ‘politically Black’ identity political goals should be forwarded over truth—is usually listed in the top five cornerstone assumptions of critical race theory.)⁵⁶

A September 2020 report from the U.S. Crisis Monitor, which receives support from Princeton University, revealed that BLM activists were involved in 95 percent of the riots between June 2020 and September 2020 for which the identity of the perpetrator was known.⁵⁷ When the *Claremont Review's* Charles Kesler called the disturbances "the 1619 riots" (after the CRT-influenced *New York Times* project that places slavery at the center of everything in America), the architect of the project, Nikole Hannah-Jones tweeted, "It would be an honor. Thank You."⁵⁸

Curriculum and Action Civics in K-12 Schools. The dissemination of curricular content and instruction based on CRT in K-12 schools is second only in scope to the presence of CRT in post-secondary instruction, where CRT originated. The spread within college- and university-level syllabi and journal articles took place over the course of many decades throughout the 20th century, while the effects on K-12 schools in such areas as social studies, history, and civics have, by comparison, become visible more recently.

The material distracts educators and students away from rigorous learning content, while also teaching ideas that undermine the value of individual liberty and America's founding ideals and further embedding the concept of systemic racism in the public conscious. These distractions come at a time when state and school officials do not require enough civics-related instruction in school, and there are wide learning gaps in core subjects like reading and math between children from different ethnicities—all subjects that need more, not less, attention.

Academic literature produced in the past 20 years by educational theorists on K-12 curriculum argue that narrative stories and stories from personal experiences—hallmarks of CRT—should replace instruction about facts.⁵⁹ In a widely cited 1998 article from *Qualitative Studies in Education*, Gloria Ladson-Billings writes, "The use of voice or 'naming your reality' is a way that CRT links form and substance in scholarship." She further writes, "Much of reality is socially constructed." Aligned with the foundational ideals of CRT, Ladson-Billings says, "Critical race theory sees the official school curriculum as a culturally specific artifact designed to maintain a White supremacist master script."⁶⁰

Notably, she closes the piece by saying, "I doubt if it [CRT] will go very far into the mainstream. Rather, CRT in education is likely to become the 'darling' of the radical left, continue to generate scholarly papers and debate, and never penetrate the classrooms and daily experiences of students of color."

She was wrong.

Districts around the country have integrated CRT into school curricula. Both of the nation's largest teacher unions support the Black Lives Matter organization, with the National Education Association specifically calling for the use of Black Lives Matter curricular materials in K-12 schools.⁶¹ This curriculum is "committed" to ideas such as a "queer-affirming network," which have nothing to do with rigorous instructional content, and promotes racially charged essays such as "Open Secrets in First-Grade Math: Teaching about White Supremacy on American Currency."⁶² As of 2018, officials in at least 20 large school districts, including Los Angeles and Washington, DC, were promoting Black Lives Matter curricular content and the organization's "Week of Action."⁶³ According to an *Education Week* survey in June 2020, 81 percent of teachers, principals, and district leaders "support the Black Lives Matter movement."⁶⁴ Surveys are not clear on whether the prevailing sentiment among educators is support of authentic equality among individuals or of the divisive ideas espoused within the curriculum.

State and school officials are integrating CRT material into instructional content. California Governor Gavin Newsom vetoed a bill this fall that would make an ethnic studies course a high school graduation requirement for students in the state, but work on the material saturated with CRT concepts continues. Newsom called on the state board of education to revise the curricular resources so that the materials are more "balanced,"⁶⁵ yet in his veto letter, Newsom said he was "pleased that many more schools and districts have recently joined the hundreds of schools across our state that have adopted ethnic studies courses, and we intend to support these schools with professional development resources." He has already approved a proposal that makes an ethnic studies course a graduation requirement for the state university system.⁶⁶

As of August 2020, the draft curriculum acknowledged CRT priorities such as power and white privilege, including statements such as, "Ethnic studies courses address race within the context of how white dominated culture impacts racism" and educators can "create and utilize lessons rooted in the four foundational disciplines alongside the sample key themes of (1) Identity, (2) History and Movement, (3) Systems of Power, and (4) Social Movements and Equity."⁶⁷ The curriculum has an entire section devoted to intersectionality, the CRT concept explained earlier that allows someone to claim victimhood based on his or her identification with more than one group (such as being from a minority ethnicity, a lower economic class, and identifying with a specific gender), accelerating a search for "power imbalances" in society.⁶⁸

As of this writing, the California Department of Education and state board continue to revise the curriculum in anticipation of a March 2021 release, even if the material is not yet required for graduation.⁶⁹ In a review of the draft materials, Williamson Evers, former U.S. Education Department official and member of the California State Academic Standards Commission, wrote in the *Wall Street Journal*, “The revised model curriculum in California portrays capitalism as oppressive and gives considerable weight to America’s socialist critics.”⁷⁰ He further says, “The proponents of critical ethnic studies are so insulated by Marxism and identity politics that they miss insights from other fields.”

The Seattle Public School Board has also included critical ethnic studies in its activities. In 2017, the board adopted a resolution that led to the creation of an “Ethnic Studies Task Force” that called for a decolonizing of school curricula, saying,

[T]he School Board acknowledges the academic research that associates the overwhelming dominance of Euro-American perspectives in textbooks, curricula and instruction and marginalization of scholarship and accomplishments by people of color as contributors to disengagement from academic learning of many students of color.⁷¹

In the description of ethnic studies that the task force drafted, the documentation included CRT buzzwords and phrases, such as “[c]ritical analysis of the source and perspective of knowledge...analysis and critique of systems of oppression, historically and currently—to include colonialism, racism, patriarchy, and capitalism,” and the “[o]bjective of examining and dismantling White supremacy and institutional racism.”⁷² The task force’s notes emphasize that the course is not just “a graduation requirement of [a] ‘tacked on’ elective,” which appears to suggest that students should have regular interactions with the course and its ideas.

In Ohio, the state board of education adopted a resolution listing the different achievement gaps between students from different backgrounds and then stating that the board “shall offer training to Board members to identify our own implicit biases so that we can perform our duties to the citizens of Ohio without racial bias” and “require training for all state employees and contractors working with the Department of Education to identify their own implicit biases”—resolutions that have nothing to do with instruction or improving student achievement.⁷³ The resolution also called on the state department of education to review its curriculum and make recommendations for changes “as necessary to eliminate bias.”⁷⁴

To their credit, the board has since invited Ian Rowe, charter school leader and co-founder of 1776 Unites, an organization dedicated to upward mobility, to offer a perspective that counters these ideas during one of their meetings.⁷⁵ The Ohio Department of Education removed an “Anti-Racist Allyship Starter Pack” that was posted on its website this year after complaints about racially charged material.⁷⁶

Still, this focus on narratives and social issues comes at a time when 82 percent of black fourth graders read at or below what is considered a “basic” level, below the goal for what students should know at this grade, on a national comparison.⁷⁷ This figure is 28 percentage points below the same measure for white students. In 2010, Pew Center research reported the staggering statistic that more black men ages 20–34 without a high school diploma are in prison than employed, which means educators are disadvantaging minority youth when they steer K–12 schools away from rigorous content and toward “naming your reality.”⁷⁸

CRT scholarship on teaching methods is also used to advocate activism, which is dangerous considering the movement’s preference for personal narratives over knowledge and historical facts. The Obama Administration supported such activism in its 2012 report “Advancing Civic Learning and Engagement in Democracy: A Road Map and Call to Action.” In the report, then-Education Secretary Arne Duncan called for a focus on “action civics” instead of “just rote memorization of names, dates, and processes.”⁷⁹ Organizations such as the Sunrise Movement and Generation Citizen, along with the Mikva Challenge at Chicago Public Schools (CPS), to name a few, have promoted action civics in the years since the report’s release.⁸⁰

Curricular content for action civics range from encouraging students to volunteer in their community to suggesting that teachers assign students, even elementary-age students, material that advocates for unionizing workers and protesting against “gentrification,” complex subjects even for adults to consider.⁸¹ While the CPS efforts endorsed anti-bullying and “School Beautification” projects, the district also advocated for student projects protesting “Police Brutality” and “LGBTQ Awareness,” as well as several walk-outs and sessions to train students to speak to the media about guns and a “Keeping It Reel Film Project” that dealt with “transgender rights.”⁸²

Some school systems have applied action civics to teaching disruptive protests. Seattle Public Schools include recommended reading material on its district website that says responses to the tragic death of George Floyd are “violent and destructive” because “police officers and the National Guard themselves are initiating violence” and “White Americans have a long, storied history of violence and destruction in this country.”⁸³

The MacIver Institute in Wisconsin reports that in the 2019–2020 school year, at least five marches were endorsed by school districts across the state, taking students out of the classroom to protest climate change and immigration policies and advocate for Black Lives Matter activities and gun control, to name a few.⁸⁴ The action civics group Generation Citizen has sponsored student projects to advocate for “more stringent mental health and social tolerance tests for NYPD [New York Police Department] applicants”—and ban the use of plastic bags in Rhode Island retail stores, among others.⁸⁵

Again, if this civic instruction was a call for more volunteer work or was somehow aligned with core subjects in which minority students still lag behind their peers, such instruction would be admirable. Yet research on student achievement in civics finds that students are woefully underprepared to understand civic participation and the functions of our nation’s government. Seventy-six percent of 8th graders scored at or below a basic level in civics on the most recent national comparison.⁸⁶ According to iCivics, “[O]nly nine states require a full year of civic education in high school,” and 10 states have no such requirement. Thirty-one states only require civics to be taught for one semester.⁸⁷ Just under half of all Americans cannot name all three branches of government, according to the Annenberg Public Policy Center at the University of Pennsylvania.⁸⁸

Teacher training steeped in critical theory (called “critical pedagogy”) demands action, however, which, when paired with the denunciation of facts described above, begs the question of how students are supposed to know what kind of action is appropriate and what is not.

After the Trump Administration supported policies that drew attention to the problems with CRT in education and the so-called anti-racism training of the federal workforce, two associate professors wrote in *Education Week* that the U.S. Department of Education should not reject CRT but “should ensure principals and teachers learn how it can be applied to address long-standing educational inequities” and “encourage federal agencies and public schools to embrace critical race theory.”⁸⁹ Parents, teachers, and policymakers concerned about CRT in schools are faced with significant challenges because some educators are determined to keep CRT in classrooms.

School Discipline and Disparate Impact Theory. What do school safety and the devastating school shooting that took the lives of 17 students and staff at a high school in Parkland, Florida, have to do with CRT? Quite a bit, in fact. Marjory Stoneman Douglas High School in Broward County, near Parkland, was one of the first school districts in the nation to embrace a school discipline policy that aimed to reduce the suspension and expulsion

“exclusionary discipline”) of minority students.⁹⁰ Like many of the other cursory explanations of public policies or social trends linked to CRT, Broward County school administrators’ stated intent to reduce minority student interactions with police sounds well-intentioned. No one wants a child to be mistreated, and we certainly do not want a student to be treated unfairly because of his or her race.

But as with the other examples offered in this *Backgrounders*, the foundational ideas behind Broward’s PROMISE student discipline plan and other student behavior interventions that are meant to reduce the so-called school-to-prison pipeline align with CRT—and lead to negative outcomes for students, including minority students. In school discipline, the roots trace to the concept of “disparate impact,” a legal theory that says any policy that is neutral on its face in regard to the treatment of individuals from different ethnicities is still discriminatory if that policy results in disproportionate outcomes for individuals of various ethnicities or attributes (such as minority students or individuals with special needs).⁹¹

A significant body of legal research and court opinions has been dedicated to advocating the dubious legal theory of disparate impact. Disparate impact seeks to make unlawful entirely neutral, color-blind policies that may have a disproportionate impact on members of different ethnicities. The theory originated in the Civil Rights movement and employment law, but today spans many policy areas, from housing to health care, with much in between.⁹² For the purposes of student discipline, though, so-called social justice advocates have claimed that uniform, color-blind school discipline policies that suspend or expel students based on specific misbehavior result in disparate impacts for minority students.⁹³ Some school district administrators’ solution, such as those in Broward County, Buffalo Public Schools, Baltimore schools, and other large districts across the country, is to limit the use of exclusionary discipline on minority students, regardless of the nature of a student’s actions that may have instigated an educator’s disciplinary response and considering *only* the child’s race.

This is the point at which school discipline meets CRT. School officials have adopted policies that treat students differently according to race, viewing policy through a racial lens. Here, it does not matter that white students are disciplined more than Asian students or that higher levels of classroom misbehavior can be found in urban areas where there are concentrations of minority students from disadvantaged backgrounds and single-parent homes. For the policy, all that matters is that black and Hispanic students are disciplined more than white students, which according to this theory, demonstrates that implicit bias causes disproportionate levels of discipline.⁹⁴

Academic research in CRT confirms this theorized connection. In a 2014 article for the *UCLA Law Review* entitled “Exclusion, Punishment, Racism and Our schools: A Critical Race Theory Perspective on School Discipline,” David Simson says, “[R]acial stigmatization, stereotyping, and implicit biases that are based on a long history of racial prejudice in the United States continue to infuse seemingly objective standards of what is considered appropriate behavior, as well as the practices—such as punitive school discipline—that are used to enforce such standards.”⁹⁵ Simson claims “advocates will have to rely on alternative strategies to soften and to reverse the negative impact that punitive school discipline imposes on students, especially minority students.” Laurence Parker and David O. Stovall also made the connection in “Actions Following Words: Critical Race Theory Connects to Critical Pedagogy” in a 2004 issue of *Educational Philosophy and Theory*. They write, “The connection between critical race theory and education would entail linking teaching and research to general practical knowledge about institutional forces that have a disparate impact on racial minority communities.”⁹⁶

Empirical researchers, those studying the data on student discipline according to race, also cite a link between CRT and their work. Russell Skiba, a noted researcher in this area of study, was a co-author of “You Can’t Fix What You Don’t Look at: Acknowledging Race in Addressing Racial Discipline Practices,” in which he and his co-authors wrote,

Schools will make the progress if data open a door to reflective and critical conversations about the ways in which school processes, adult actions, and adult interactions with students may contribute to disciplinary outcomes. Sustaining a critical conversation about race patterns means asking questions about the full set of interactions that produce disparate patterns; about how race factors in to [sic] how adults react to students, and how students react to adults; about which false or harmful notions about “races” we carry around with us as we interact; and even when and how thinking of other human beings in terms of race is helpful.⁹⁷

The authors here are not referring to critical thinking in the traditional academic sense of evaluating different possible answers to a question; instead they mean “critical” in the deconstructive sense from the field of CRT.

A federal appeals court ruling in 1997, however, said that school discipline policies based on disparate impact result in disciplinary quotas that “violate equity in its root sense. They entail either systematically over-punishing the innocent or systematically under-punishing the guilty. They place race at

war with justice.”⁹⁸ The highest court has not yet ruled specifically against disparate impact.⁹⁹

Nevertheless, the Obama Administration praised the Broward County program and based a federal directive on school safety and student discipline in 2014 on the idea of disparate impact, adopting many of the recommended student discipline policies from Broward’s program.¹⁰⁰ The Administration threatened to withhold federal education spending from schools that reported high rates of exclusionary discipline among minority students, resulting in school district officials around the country limiting educators’ ability to maintain order in the classroom.

While zero-tolerance policies that suspended or expelled students with little review of a particular incident can be too harsh, research finds that limiting exclusionary discipline keeps disruptive and even dangerous students in the classroom. Research finds this policy puts the peers of disruptive students at risk—and correlates with lower academic achievement outcomes for affected students. Educators also report more dangerous school environments in systems using such policies.¹⁰¹

Broward County’s PROMISE program and memorandum of understanding with local police were the central documents and policy ideas applying CRT and creating a district-wide culture of limiting student contact, especially minority student contact, with law enforcement—even when students committed actions that endangered others.¹⁰² In the memorandum, for example, the school district and law enforcement posited that “across the country, students of color, students with disabilities, and 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.¹⁰³

As a result, the school district’s PROMISE program was not designed to refer the troubled former student who committed the horrific acts at Marjory Stoneman Douglas High School in February 2018 to law enforcement in the *years* prior to the incident. The former student, who is white, had a long list of prior infractions and was sent to participate in the PROMISE program in middle school.¹⁰⁴ Still, the shooter did not have a record with law enforcement that would have prevented him from owning a gun.¹⁰⁵

Whether the fault lies with the execution of the PROMISE program or bureaucratic failures by school district officials, the fact remains that Broward school administrators worked with law enforcement and intentionally created a culture that limited student interaction with police and exclusionary discipline. School districts around the country, such as Minneapolis and Milwaukee, are still using such policies, and officials directly state that the

plans are meant to limit the exclusionary discipline of minority students.¹⁰⁶ And while disparate impact predated the founding of CRT, CRT advocates in education are applying this legal theory today to limit teachers' ability to make decisions based on student behavior—policies that consider students in groups according to skin color, disregarding the importance of individual actions.¹⁰⁷

All of which led to a devastating, fatal result in Parkland.

Free Speech on College Campuses. Since CRT originated in post-secondary institutions, it comes as no surprise that some of the most intolerant manifestations of CRT are found on university campuses. College grounds have been the home to protests for decades, but many in the current generation of rioters are determined to have their ideas heard and not allow others to express themselves, even sometimes resorting to violence. Further, activist students and their allies issue demands to school administrators that attempt to exercise power over those in positions of authority.

A recent example comes from the State University of New York at Binghamton. In November 2019, disruptive students attacked a College Republicans' display, destroying the flyers and papers on the table, then overturning the tables, all while threatening the students who had set up the display.¹⁰⁸ Not only did the rioters want to oppose the ideas being displayed, they did not want those ideas to even be available for consideration by anyone else.

Rioters were determined to do this again just days later, when the College Republicans and Young America's Foundation (YAF) invited the noted economist Arthur Laffer to speak on campus. Campus officials offered students who disagreed with YAF and Laffer a lecture hall in which to hold their own event, but the rioters chose instead to block Laffer's lecture. Rioters used physical force to demonstrate their power and shouted down the speaker, standing on desks and screaming until police intervened and stopped the entire event.¹⁰⁹

While school administrators did not enforce consequences on the disruptive students, school officials did commit resources to an initiative that will scrutinize campus police activities in response to the death of Jacob Blake in Kenosha, Wisconsin.¹¹⁰ Notwithstanding that the Laffer shout-down happened on the Binghamton campus and involved enrolled students—while the Blake incident took place in an entirely different state—university leaders said they recognized “protestors” calling for “racial justice” as part of an incident that had nothing to do with what was happening on campus.

The common refrain from progressive observers is that conservative students are the only ones who complain about speech-related incidents.¹¹¹

This can be easily refuted, however, by citing statements from groups like the SUNY-Binghamton College Democrats who condemned this shout-down, even though they disagreed with College Republicans on policy issues.¹¹² Shout-downs such as this are not a partisan issue, but an indication of a specific worldview that aligns with CRT and its progenitor, Critical Theory, which rioters have adopted.

Other examples clearly illustrate the connection between shout-downs on campus and CRT. In April 2018, Columbia University students marched to the school library and made demands taken straight from the writings of CRT theorists. The students wanted to “decolonize Columbia” and “demanded the University replace or rename statues, make its curriculum more diverse, increase faculty diversity, recognize the debt owed to marginalized peoples, such as the Lenape people [Native American tribes that lived in the northeast], and recognize the decision by graduate students to unionize.”¹¹³ In a show of force and disregard for authority, students ignored Law School Dean Yadira Ramos-Herbert, who told students they were in violation of school rules and directed them to leave so that students could study.

Over the past decade, events such as these have occurred at colleges around the country, sometimes involving the shout-down of a university president (such as at Duke and the University of Oregon) or the occupation of or damage to large areas of a campus surrounding a professor or invited speaker’s remarks (such as at Evergreen State College and the University of California-Berkley in 2017).¹¹⁴ Observers must note the language and terms students used during these campus takeovers are pulled directly from CRT.

At Evergreen, a self-described progressive institution, rioting students intimidated Professor Bret Weinstein during the spring of 2017, gathering around Weinstein and chanting, “[W]e want to dismantle the anti-blackness campus-wide, [sic] we want to give some sense of solidarity and provide safety.”¹¹⁵ Weinstein’s offense was objecting to an unofficial campus policy of requiring white individuals not to come to campus for a day.¹¹⁶ The Evergreen saga is powerfully documented in a series of videos created by Mike Nayna that make for terrifying viewing. Rioting students occupied administrative buildings, at one point trapping the school president in his office and only allowing him to use the bathroom under escort.

Yale students and faculty made headlines in 2015 when students demanded the removal of two professors. One of these faculty, noted early childhood scholar Erika Christakis, wrote an e-mail to the school community suggesting the school administration’s guidelines regarding Halloween costumes deserved more consideration and might be “heavy-handed.”¹¹⁷

Angry students confronted Erika's husband, Nikolas, saying the school was "no longer a safe space," with another student saying the professor's words were an "act of violence," an idea drawn from Critical Theory that words and discourse create reality and therefore can cause physical harm.¹¹⁸ Offended students drew from CRT's language and ideas in a written response to Erika's e-mail, saying the school itself suffers from "intolerable racism that students of color experience everyday," then touched on intersectionality by saying Yale has a "long history of racism...which has disproportionately harmed women of color."¹¹⁹

Again, such demands from a college community are becoming more common. Hundreds of Princeton faculty sent a letter to the university president earlier this year laced with CRT language. "Anti-Blackness is foundational to America," the letter says and asks the administration to "support us in this effort to disrupt the institutional hierarchies perpetuating inequity and harm."¹²⁰ A group of students at Sarah Lawrence calling themselves the "Diaspora Coalition" occupied a building on campus in 2019 and issued a list of wide-ranging demands that included a "mandatory first-year orientation session about intellectual elitism and classism," along with more free laundry soap.¹²¹

While CRT literature does not demand laundry services, its denunciation of free speech and classical liberal values that allow anyone, regardless of the color of his or her skin or family background, to live in a civil society are serious. Helen Pluckrose and James Lindsay write in *Cynical Theories*, "Certain views—academic views—shared by professionals—are considered too dangerous or even 'violent' to be allowed a platform."¹²² Indeed, in 1968, Critical Theorist Herbert Marcuse wrote that society should only be tolerant of the ideas from oppressed groups, and that conservative ideas should be repressed. Marcuse wrote:

It should be evident by now that the exercise of civil rights by those who don't have them presupposes the withdrawal of civil rights from those who prevent their exercise, and that liberation of the Damned of the Earth presupposes suppression not only of their old but also of their new masters.... Withdrawal of tolerance from regressive movements before they can become active; intolerance even toward thought, opinion, and word, and finally, intolerance in the opposite direction, that is, toward the self-styled conservatives, to the political Right—these anti-democratic notions respond to the actual development of the democratic society which has destroyed the basis for universal tolerance.¹²³

CRT writers applied this idea to their area of study. Richard Delgado wrote in 1994, “We are raising the possibility that the correct argument may sometimes be: the First Amendment condemns [the suppression of speech, even hate speech], therefore the First Amendment (or the way we understand it) is wrong.”¹²⁴ Still more pointedly, Delgado and Jean Stefancic write in *Critical Race Theory: An Introduction*, “If one is an idealist, campus speech codes, tort remedies for racist speech, diversity seminars, and increasing the representation of black, brown, and Asian actors on television shows will be high on one’s list of priorities.”¹²⁵ Again, remember CRT founder Derrick Bell’s comment cited earlier in this *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.”¹²⁶

In addition to CRT’s central tenets of disrupting systems of power and destabilizing classical liberal civil and political structures, CRT and Critical Theory object to free speech as a cornerstone of society. The themes and logical responses from CRT proponents are echoed by students who shout down professors, guest speakers, and even other students at colleges across the country.

The Workplace and CRT Trainings. The CRT-influenced trainings that are often seen in America’s workplaces and schools are little more than modern-day versions of the struggle sessions that Gramsci recommended for European workers in 1920s, in the sense that they seek to replace what its practitioners see as a “cultural hegemony” with a “counter-hegemony.” A well-known example of this indoctrination came in 2020 from the National Museum for African American History and Culture, a Smithsonian institution. Until President Trump and others criticized it, forcing administrators to take it down, the museum ran an “anti-racist” chart that disparaged “hard work” and “cause and effect relationships” and criticized ideas such as “hard work is the key to success,” “work before play,” and “objective, rational linear thinking,” saying these are attributes of “white dominant culture, or whiteness.”¹²⁷

But even after taking down the racist chart, the museum continued to host this web portal on “whiteness.”¹²⁸ It says, among other things, that “[w]hiteness and the normalization of white racial identity throughout America’s history have created a culture where nonwhite persons are seen as inferior or abnormal.”

Other examples of CRT training in the federal workforce include the Treasury Department holding a session telling employees that “virtually all White people contribute to racism” and the Department of

Homeland Security hosting a training on “microaggressions, microinequities, and microassaults,” in which white employees were told that they had been “socialized into oppressor roles.”¹²⁹

Nor are the efforts to subvert society limited to the federal workforce. The Society for Human Resources Management (SHRM), the lobbying arm of human resource (HR) professionals, uses empathetic language in its descriptions of diversity training sessions, such as making work “a place where we, our members, and our business community can bring our unique professional talents to stand together against all forms of social injustice.”¹³⁰ No one wants injustice to exist in the workplace—or anywhere—but SHRM’s training materials follow the design of other modern-day applications of CRT. The SHRM is influential, noting in its promotional material that the organization has over 300,000 human resource and business executive members in 165 countries—and impacts some 115 million workers.¹³¹

So employers and employees alike should be concerned when its “Conversation Starters” initiative contains verbiage found in CRT scholarship, such as “unconscious bias.”¹³² Examples of this text include the organization’s survey finding that “52 [percent] of organizations have provided or plan to provide new training on implicit/unconscious bias, equity, inclusion, or other diversity-related topics,” followed by guided questions such as: What types of new training has your organization provided on implicit/unconscious bias, equity, inclusion, or other diversity-related topics? Have you sought out guidance or education on how to address your own implicit/unconscious bias?

The SHRM’s survey reports that “60 percent of HR professionals believe organizations have a responsibility to take a stance on important social/societal issues and to communicate that position,” which can put those who are not comfortable having such work conversations in compromising positions. While SHRM’s encouragement to “listen and ask thoughtful questions” and “invite a colleague to coffee” are reasonable, organizations should not pressure employees to become activists or look for examples of unconscious bias.

The SHRM reports that 68 percent of black HR professionals “would decrease or have decreased the amount of goods or services purchased from a company that remained silent on the topic of racial injustice,” again, pushing the singular view of systemic oppression from the perspective of CRT into the business sector.

As for the consultant class itself, the leading ones are all also cut from the CRT cloth. Robin DiAngelo, who charges up to \$75,000 for speaking fees, is described in the book cover for her best seller, *White Fragility*, as “an academic, educator, and author working in the fields of critical discourse analysis and whiteness studies.”¹³³ In her book, DiAngelo writes, “All

progress we have made in the realm of civil rights has been accomplished through identity politics.... This book is unapologetically rooted in identity politics.”¹³⁴

School district officials are also paying for diversity trainings. In Virginia, Fairfax County Public Schools paid one of the leading voices in the social justice movement, Ibram X. Kendi, \$20,000 to speak before district employees.¹³⁵ Local news reported that the payment is equal to \$300 per minute “at a time when people are scrambling for funds to address how to navigate distance learning and in-person learning for students.” Nearby, in Montgomery County, Maryland, the school board has proposed paying the Mid-Atlantic Equality Consortium \$454,680 to conduct an “anti-racist audit” that will examine “Workforce Diversity,” “Work Conditions,” and a “K-12 Curriculum Review.”¹³⁶ The Washington, DC, public school district says some 2,000 district employees have participated in diversity training programs hosted by the training group Courageous Conversations.¹³⁷

Despite these rich rewards, many of the main practitioners of these CRT trainings—certainly the most famous ones, including DiAngelo, Kendi, Darnisa Amante-Jackson, Glenn E. Singleton, and others—advocate abandoning capitalism, as all Critical Schools have for almost a century now.

CRT’s writers insist that capitalism is a system that rewards only Western traits. In a long *New York Times Magazine* profile in July 2020, Amante-Jackson was described as “all but utopian as she envisioned a movement away ‘from capitalist, Western’ ideals and described a future education system that would be transformed: built around students’ ‘telling their stories and listening to the stories of others.’”¹³⁸ In the same article, DiAngelo is quoted as saying, “Capitalism is so bound up with racism...capitalism is dependent on inequality, on an underclass. If the model is profit over everything else, you’re not going to look at your policies to see what is most racially equitable.” In his book, *How to Be an Anti-Racist*, Kendi strongly condemns capitalism: “Capitalism is essentially racist; racism is essentially capitalist. They were birthed together from the same unnatural causes, and they shall one day die together from unnatural causes.”¹³⁹ Despite their expressed desire to eradicate capitalism, DiAngelo addressed 184 Democratic members of the House of Representatives in June 2020, and Kendi’s work is used by the National Museum of African American History and Culture, a Smithsonian Institution.¹⁴⁰

Media and Entertainment. More evidence that CRT’s proponents are not satisfied to leave any part of mainstream life untouched by the dogmas of intolerance and identity politics can be found in Hollywood. Writing in the *Telegraph*, sociologist 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.)¹⁴¹ Dabiri uses the parlance of CRT, saying “race has been constructed by our society,” and “I am always sensitive to the advantages I might have in comparison with darker[-]skinned black women, because the truth is there is a huge difference in how society treats us.” Dabiri misses the irony that her article criticizes Saldana for not being black enough, criticism that led Saldana to apologize in 2020 for taking the role, four years after the movie was released.¹⁴²

Such incidents are increasingly common, as Douglas Murray explains in *The Madness of Crowds*.¹⁴³ Critics have lobbed race-based screeds at actors such as Armie Hammer for simply being white and an actor, Murray explains. Reviewers criticized actress Scarlett Johansson for playing “an Asian woman’s consciousness inside a white android” in the science fiction film *Ghost in the Shell* with the naysayers seemingly unwilling to suspend belief—even when watching a science fiction film.¹⁴⁴ At least these performers were able ply their trade. In 2018, so-called social justice observers publicly shamed Sierra Boggess, a Caucasian actress, for accepting the role of Maria in a BBC production of *West Side Story*. Boggess turned down the role in the wake of the criticism.¹⁴⁵

Earlier this year, Kristen Bell and Jenny Slate, two high-profile actresses, announced that they would not play mixed-race characters—in cartoons.¹⁴⁶ Slate voiced a character whose fictional mother is Jewish and white, as Slate is personally. But since the character is also black, Slate says, “Black characters on an animated show should be played by Black people.” The Bell-Slate announcement is another clear example of how intersectionality—not meritocracy, nor color-blindness—propels decision-making in entertainment, regardless of whether the actors and actresses are aware of the worldview underpinning their choices.

In entertainment, as well as the education and workforce sectors of society, CRT is well-established, driving decision-making according to skin color, and not because of individual value and talent. Furthermore, as CRT advocates express dogmas based in identity politics and other Critical Theory components in mainstream publications, the appearance of these concepts becomes more familiar to the viewing public, helping CRT proponents to “normalize” intolerance and the idea of systemic racism for the average viewer.

Policy Recommendations

- **Critical Race Theory and identity politics should not drive the government’s creation of categories through the Census and other surveys.** The government *at all levels* should get out of the

business of creating official identity categories, without which identity politics would wither away. It should go back to asking citizens for national origin, language spoken in the home, etc.—actual facts, not synthetic concoctions. It could also introduce questions on family structure (i.e., whether there is both a mother and a father in house, how many children were born in non-intact families, etc.).

- **The federal government should not support so-called diversity trainings that claim the presence of Critical ideas such as “unconscious bias.”** Federal officials should keep in place President Trump’s Executive Order eliminating CRT trainings in the federal workforce and among federal contractors and use its bully pulpit to encourage the private sector to similarly discontinue these counter-productive “trainings.”¹⁴⁷
- **Parents should know what is being taught in their children’s K–12 schools.** State policymakers should require that public schools make their curricular resources available to the public. Parents and taxpayers should have access to the material that teachers are using in the classroom. Some charter schools provide models to follow and already make these resources available.¹⁴⁸ Such transparency will help families as they make decisions about how and where their children learn by evaluating the offerings of different schools and education institutions.
- **Federal directives should not micromanage local schools’ student discipline policies.** Federal officials should not allow for the reinstatement of the Obama Administration’s 2014 “Dear Colleague” Letter on disparate impact, and policymakers should review other sections of federal law to remove the concept of disparate impact.¹⁴⁹ For example, disparate impact theory is included in the Individuals with Disabilities Education Act (IDEA), the federal law governing services and spending for children with special needs in public schools.¹⁵⁰ The Obama Administration further embedded this idea in IDEA’s regulations at the end of his Administration.

Federal, state, and local officials should allow educators and parents to work together to evaluate disciplinary incidents according to the circumstances and actions involved. School districts should not be required to maintain certain quotas of students who do or do not face exclusionary discipline.

- **State policymakers must protect free speech on public college campuses—especially when college administrators do not.** State lawmakers should consider proposals that require public university systems to provide student orientation sessions discussing free speech on campus. Policymakers in Alabama, Arizona, Georgia, North Carolina, and Wisconsin have models that other state officials should follow.¹⁵¹ State officials should also require public university governing boards to create policies that require university administrators to sanction *anyone* in a university community, including students, that violate someone else's expressive rights, up to and including suspension and expulsion. Administrators should refer violations of the law to law enforcement, but university officials should protect expressive rights through the enforcement of school codes of conduct.

Conclusion

Critical Race Theory began as an academic concept, but we can find the ideas all around us today, from schoolhouses to the corporate world to Hollywood. Racism and intolerance should have no place in America, but CRT is more than just a philosophical objection to discrimination. When followed to its logical conclusion, CRT is destructive and rejects the fundamental ideas on which our constitutional republic is based.

No nation, not even America, is perfect, but as Abraham Lincoln said in his address to the Young Men's Lyceum of Springfield in 1838, "There is no grievance that is a fit object of redress by mob law." We must restore the "temple of liberty...with other pillars, hewn from the solid quarry of sober reason."¹⁵² Our generation, and every generation, must "let the proud fabric of freedom rest" upon the ideas of liberty, "a reverence for the constitution and laws," and the pursuit of a civil society that offers freedom and opportunity to all Americans, regardless of the color of their skin.¹⁵³

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Appendix

Critical Race Theory: A movement that is “a collection of activists and scholars interested in studying and transforming the relationship among race, racism, and power.”¹⁵⁴

De-colonialism: An “applied postmodern mind-set” that believes “we must devalue white, Western ways of knowing for belonging to white Westerners and promote Eastern ones (in order to equalize the power imbalance.”¹⁵⁵

Disparate Impact: An approach to civil rights enforcement that claims that an entirely neutral policy that does not discriminate on its face, is not intended to discriminate, and does not actually treat individuals differently based on their race *still* constitutes illegal racial discrimination if it has a “disproportionate” statistical effect among different racial and ethnic groups.¹⁵⁶

Diversity: Diversity is desirable when it obtains organically as a result of meritocracy. Numerous reports show that companies with women and people from various demographic backgrounds in leadership out-earn companies without them. In one such report this year, McKinsey & Company found that “the relationship between diversity on executive teams and the likelihood of financial outperformance has strengthened over time.”¹⁵⁷

What CRT adherents always mean when they use the term, however, is *enforced* diversity through the use of mandated or recommended quotas. This cannot but lead to worse outcomes if it results in the hiring of less-competent workforce or management. It is also coercive. To pretend, as Ibram X. Kendi does, that “[a] racist policy is any measure that produces or sustains racial inequity between racial groups. An antiracist policy is any measure that produces or sustains racial equity between racial groups,” is to demand quotas in hiring, admissions, contracting, etc.¹⁵⁸

Equity: The *Merriam-Webster Dictionary* defines equity as “justice according to natural law or right, specifically: freedom from bias or favoritism.”¹⁵⁹

This meaning has been completely inverted in today’s usage. Today, equity has come to mean the opposite of equality. Again, we have Kendi to help us: “The defining question is whether the discrimination is creating equity or inequity. If discrimination is creating equity, then it is antiracist. If discrimination is creating inequity, then it is racist. Someone reproducing inequity through permanently assisting an overrepresented racial group into wealth and power is entirely different than someone challenging that inequity by temporarily assisting an underrepresented racial group into relative wealth and power until equity is reached. The only remedy to racist discrimination is antiracist discrimination.”¹⁶⁰

Equity, then, means inequality of treatment. Kris Putnam-Walkerly and Elizabeth Russell of the Putnam Consulting Group see equity as something even approaching the Marxian “to each according to his needs.” They write that equity is “different from ‘equality,’ in which everyone has the same amount of something (food, medicine, opportunity) despite their existing needs or assets. In other words, whether you are two feet tall or six, you still get a five-foot ladder to reach a 10-foot platform.” Equity, to them, “is about each of us getting what we need to survive or succeed—access to opportunity, networks, resources, and supports—based on where we are and where we want to go.”¹⁶¹

Intersectionality: A term that refers to the “multiple social forces, social identities, and ideological instruments through which power and disadvantage are expressed and legitimized.”¹⁶²

Minorities: This term has evolved to include now the idea of “collective victimization” and is intricately tied to identity politics, which is a political project of the Left. This was not always the case, however. The modern-day usage of this word does not appear in a dictionary until 1961.¹⁶³ In the 18th century, James Madison and the other Founding Fathers used the term to mean those political factions who were numerically inferior to an ideological majority. In the 19th and early 20th centuries, the term was used to refer to ethnic minorities in Europe, especially those of the polyglot Ottoman, Russian, and Hapsburg empires.

The sociologist Philip Gleason says the media in 1929 mentioned “disgruntled minorities,” such as “growling Ruthenians” and “scowling Macedonians,” suggesting that “Americans found the spectacle of national minority bickering distasteful.”¹⁶⁴ In 1938, the U.S. Supreme Court used something close to the modern definition of the term when Justice Harlan Stone asked in footnote four of the *U.S. v. Carolene Products* decision (but leaving the question unanswered) whether “prejudice against discrete and insular minorities may be a special condition, which tends seriously to curtail the operation of those political processes ordinarily to be relied upon to protect minorities, and which may call for a correspondingly more searching judicial inquiry.”¹⁶⁵ This is known as the “most famous footnote in law” because it introduced the concept of strict scrutiny.

Louis Wirth, a German-born American sociologist and urbanist associated with the Frankfurt School is credited with defining the term in the modern American meaning for the first time in 1945, in a foundational essay in which he stated: “We may define a minority as a group of people who, because of their physical or cultural characteristics, are singled out by the others in the society in which they live for differential and unequal

treatment, and who therefore regard themselves as objects of collective discrimination. The existence of a minority in a society implies the existence of a corresponding dominant group enjoying higher social status and greater privileges." He cited "the Negro, the Indian, and the Oriental," as well as "Catholics, Jews, and Mormons" as examples of minorities in the United States.¹⁶⁶

People of Color: This is one of the newest terms in the lexicon. In one of the most comprehensive accounts on the origin of such terms as minorities, Gleason speculates that it "owes part of its appeal to its implicit restriction of the special status accorded 'designated minorities' to those distinguished by a racially linked phenotypical feature."¹⁶⁷ In an eye-opening op-ed in *The New York Times* in 2020—eye-opening because of what it said and where it was published—Haney Lopez and Tory Gavito reported on a survey they had just concluded, writing that, "Progressives commonly categorize Latinos as people of color, no doubt partly because progressive Latinos see the group that way and encourage others to do so as well. Certainly, we both once took that perspective for granted. Yet in our survey, only one in four Hispanics saw the group as people of color. In contrast, the majority rejected this designation. They preferred to see Hispanics as a group integrating into the American mainstream, one not overly bound by racial constraints but instead able to get ahead through hard work."¹⁶⁸

White Supremacy: The term "white supremacy" can be confusing because it can mean an actual belief in the superiority of white people, in which case it is despicable. However, it is nearly *always* employed to mean something much larger—anything from classical philosophers to Enlightenment thinkers to the Industrial Revolution. It is constantly used in CRT discourses, yet hardly ever defined. Robin DiAngelo does helpfully supply something close to a definition, one in which she tells us that employing the term to define, say, the KKK, is "reductive" and obscures the entirety of the system.

"White supremacy," she writes, "is a descriptive and useful term to capture the all-encompassing centrality and assumed superiority of people defined and perceived as white and the practices based on this assumption. White supremacy in this context does not refer to individual white people and their individual intentions or actions but to an overarching political, economic, and social system of domination." She further states, "While hate groups that openly proclaim white superiority do exist and this term refers to them also, the popular consciousness solely associates white supremacy with these radical groups. This reductive definition obscures the reality of the larger system at work and prevents us from addressing this system.... I

hope to have made clear that white supremacy is something much more pervasive and subtle than the actions of explicit white nationalists. White supremacy describes the culture we live in.”

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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
Sec. 3314.03. A copy of every contract entered into under	90
this section shall be filed with the superintendent of public	91
instruction. The department of education shall make available on	92
its web site a copy of every approved, executed contract filed	93
with the superintendent under this section.	94
(A) Each contract entered into between a sponsor and the	95
governing authority of a community school shall specify the	96
following:	97
(1) That the school shall be established as either of the	98
following:	99
(a) A nonprofit corporation established under Chapter	100
1702. of the Revised Code, if established prior to April 8,	101

2003;	102
(b) A public benefit corporation established under Chapter 1702. of the Revised Code, if established after April 8, 2003.	103 104
(2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum;	105 106 107 108
(3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments;	109 110 111 112
(4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor;	113 114 115 116
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	117 118 119
(6) (a) Dismissal procedures;	120
(b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student.	121 122 123 124 125 126
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	127 128
(8) Requirements for financial audits by the auditor of	129

state. The contract shall require financial records of the	130
school to be maintained in the same manner as are financial	131
records of school districts, pursuant to rules of the auditor of	132
state. Audits shall be conducted in accordance with section	133
117.10 of the Revised Code.	134
(9) An addendum to the contract outlining the facilities	135
to be used that contains at least the following information:	136
(a) A detailed description of each facility used for	137
instructional purposes;	138
(b) The annual costs associated with leasing each facility	139
that are paid by or on behalf of the school;	140
(c) The annual mortgage principal and interest payments	141
that are paid by the school;	142
(d) The name of the lender or landlord, identified as	143
such, and the lender's or landlord's relationship to the	144
operator, if any.	145
(10) Qualifications of teachers, including a requirement	146
that the school's classroom teachers be licensed in accordance	147
with sections 3319.22 to 3319.31 of the Revised Code, except	148
that a community school may engage noncertificated persons to	149
teach up to twelve hours or forty hours per week pursuant to	150
section 3319.301 of the Revised Code.	151
(11) That the school will comply with the following	152
requirements:	153
(a) The school will provide learning opportunities to a	154
minimum of twenty-five students for a minimum of nine hundred	155
twenty hours per school year.	156
(b) The governing authority will purchase liability	157

insurance, or otherwise provide for the potential liability of 158
the school. 159

(c) The school will be nonsectarian in its programs, 160
admission policies, employment practices, and all other 161
operations, and will not be operated by a sectarian school or 162
religious institution. 163

(d) The school will comply with sections 9.90, 9.91, 164
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 165
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 166
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 167
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 168
3313.6025, 3313.6027, 3313.643, 3313.648, 3313.6411, 3313.66, 169
3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 170
3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 171
3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 172
3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 173
3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 174
3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 175
3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 176
3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 177
5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 178
4123., 4141., and 4167. of the Revised Code as if it were a 179
school district and will comply with section 3301.0714 of the 180
Revised Code in the manner specified in section 3314.17 of the 181
Revised Code. 182

(e) The school shall comply with Chapter 102. and section 183
2921.42 of the Revised Code. 184

(f) The school will comply with sections 3313.61, 185
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 186
Revised Code, except that for students who enter ninth grade for 187

the first time before July 1, 2010, the requirement in sections 188
3313.61 and 3313.611 of the Revised Code that a person must 189
successfully complete the curriculum in any high school prior to 190
receiving a high school diploma may be met by completing the 191
curriculum adopted by the governing authority of the community 192
school rather than the curriculum specified in Title XXXIII of 193
the Revised Code or any rules of the state board of education. 194
Beginning with students who enter ninth grade for the first time 195
on or after July 1, 2010, the requirement in sections 3313.61 196
and 3313.611 of the Revised Code that a person must successfully 197
complete the curriculum of a high school prior to receiving a 198
high school diploma shall be met by completing the requirements 199
prescribed in division (C) of section 3313.603 of the Revised 200
Code, unless the person qualifies under division (D) or (F) of 201
that section. Each school shall comply with the plan for 202
awarding high school credit based on demonstration of subject 203
area competency, and beginning with the 2017-2018 school year, 204
with the updated plan that permits students enrolled in seventh 205
and eighth grade to meet curriculum requirements based on 206
subject area competency adopted by the state board of education 207
under divisions (J) (1) and (2) of section 3313.603 of the 208
Revised Code. Beginning with the 2018-2019 school year, the 209
school shall comply with the framework for granting units of 210
high school credit to students who demonstrate subject area 211
competency through work-based learning experiences, internships, 212
or cooperative education developed by the department under 213
division (J) (3) of section 3313.603 of the Revised Code. 214

(g) The school governing authority will submit within four 215
months after the end of each school year a report of its 216
activities and progress in meeting the goals and standards of 217
divisions (A) (3) and (4) of this section and its financial 218

status to the sponsor and the parents of all students enrolled 219
in the school. 220

(h) The school, unless it is an internet- or computer- 221
based community school, will comply with section 3313.801 of the 222
Revised Code as if it were a school district. 223

(i) If the school is the recipient of moneys from a grant 224
awarded under the federal race to the top program, Division (A), 225
Title XIV, Sections 14005 and 14006 of the "American Recovery 226
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 227
the school will pay teachers based upon performance in 228
accordance with section 3317.141 and will comply with section 229
3319.111 of the Revised Code as if it were a school district. 230

(j) If the school operates a preschool program that is 231
licensed by the department of education under sections 3301.52 232
to 3301.59 of the Revised Code, the school shall comply with 233
sections 3301.50 to 3301.59 of the Revised Code and the minimum 234
standards for preschool programs prescribed in rules adopted by 235
the state board under section 3301.53 of the Revised Code. 236

(k) The school will comply with sections 3313.6021 and 237
3313.6023 of the Revised Code as if it were a school district 238
unless it is either of the following: 239

(i) An internet- or computer-based community school; 240

(ii) A community school in which a majority of the 241
enrolled students are children with disabilities as described in 242
division (A) (4) (b) of section 3314.35 of the Revised Code. 243

(l) The school will comply with section 3321.191 of the 244
Revised Code, unless it is an internet- or computer-based 245
community school that is subject to section 3314.261 of the 246
Revised Code. 247

(12) Arrangements for providing health and other benefits	248
to employees;	249
(13) The length of the contract, which shall begin at the	250
beginning of an academic year. No contract shall exceed five	251
years unless such contract has been renewed pursuant to division	252
(E) of this section.	253
(14) The governing authority of the school, which shall be	254
responsible for carrying out the provisions of the contract;	255
(15) A financial plan detailing an estimated school budget	256
for each year of the period of the contract and specifying the	257
total estimated per pupil expenditure amount for each such year.	258
(16) Requirements and procedures regarding the disposition	259
of employees of the school in the event the contract is	260
terminated or not renewed pursuant to section 3314.07 of the	261
Revised Code;	262
(17) Whether the school is to be created by converting all	263
or part of an existing public school or educational service	264
center building or is to be a new start-up school, and if it is	265
a converted public school or service center building,	266
specification of any duties or responsibilities of an employer	267
that the board of education or service center governing board	268
that operated the school or building before conversion is	269
delegating to the governing authority of the community school	270
with respect to all or any specified group of employees provided	271
the delegation is not prohibited by a collective bargaining	272
agreement applicable to such employees;	273
(18) Provisions establishing procedures for resolving	274
disputes or differences of opinion between the sponsor and the	275
governing authority of the community school;	276

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(19) A provision requiring the governing authority to	277
adopt a policy regarding the admission of students who reside	278
outside the district in which the school is located. That policy	279
shall comply with the admissions procedures specified in	280
sections 3314.06 and 3314.061 of the Revised Code and, at the	281
sole discretion of the authority, shall do one of the following:	282
(a) Prohibit the enrollment of students who reside outside	283
the district in which the school is located;	284
(b) Permit the enrollment of students who reside in	285
districts adjacent to the district in which the school is	286
located;	287
(c) Permit the enrollment of students who reside in any	288
other district in the state.	289
(20) A provision recognizing the authority of the	290
department of education to take over the sponsorship of the	291
school in accordance with the provisions of division (C) of	292
section 3314.015 of the Revised Code;	293
(21) A provision recognizing the sponsor's authority to	294
assume the operation of a school under the conditions specified	295
in division (B) of section 3314.073 of the Revised Code;	296
(22) A provision recognizing both of the following:	297
(a) The authority of public health and safety officials to	298
inspect the facilities of the school and to order the facilities	299
closed if those officials find that the facilities are not in	300
compliance with health and safety laws and regulations;	301
(b) The authority of the department of education as the	302
community school oversight body to suspend the operation of the	303
school under section 3314.072 of the Revised Code if the	304

department has evidence of conditions or violations of law at 305
the school that pose an imminent danger to the health and safety 306
of the school's students and employees and the sponsor refuses 307
to take such action. 308

(23) A description of the learning opportunities that will 309
be offered to students including both classroom-based and non- 310
classroom-based learning opportunities that is in compliance 311
with criteria for student participation established by the 312
department under division (H) (2) of section 3314.08 of the 313
Revised Code; 314

(24) The school will comply with sections 3302.04 and 315
3302.041 of the Revised Code, except that any action required to 316
be taken by a school district pursuant to those sections shall 317
be taken by the sponsor of the school. However, the sponsor 318
shall not be required to take any action described in division 319
(F) of section 3302.04 of the Revised Code. 320

(25) Beginning in the 2006-2007 school year, the school 321
will open for operation not later than the thirtieth day of 322
September each school year, unless the mission of the school as 323
specified under division (A) (2) of this section is solely to 324
serve dropouts. In its initial year of operation, if the school 325
fails to open by the thirtieth day of September, or within one 326
year after the adoption of the contract pursuant to division (D) 327
of section 3314.02 of the Revised Code if the mission of the 328
school is solely to serve dropouts, the contract shall be void. 329

(26) Whether the school's governing authority is planning 330
to seek designation for the school as a STEM school equivalent 331
under section 3326.032 of the Revised Code; 332

(27) That the school's attendance and participation 333

policies will be available for public inspection; 334

(28) That the school's attendance and participation 335
records shall be made available to the department of education, 336
auditor of state, and school's sponsor to the extent permitted 337
under and in accordance with the "Family Educational Rights and 338
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 339
and any regulations promulgated under that act, and section 340
3319.321 of the Revised Code; 341

(29) If a school operates using the blended learning 342
model, as defined in section 3301.079 of the Revised Code, all 343
of the following information: 344

(a) An indication of what blended learning model or models 345
will be used; 346

(b) A description of how student instructional needs will 347
be determined and documented; 348

(c) The method to be used for determining competency, 349
granting credit, and promoting students to a higher grade level; 350

(d) The school's attendance requirements, including how 351
the school will document participation in learning 352
opportunities; 353

(e) A statement describing how student progress will be 354
monitored; 355

(f) A statement describing how private student data will 356
be protected; 357

(g) A description of the professional development 358
activities that will be offered to teachers. 359

(30) A provision requiring that all moneys the school's 360

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operator loans to the school, including facilities loans or cash	361
flow assistance, must be accounted for, documented, and bear	362
interest at a fair market rate;	363
(31) A provision requiring that, if the governing	364
authority contracts with an attorney, accountant, or entity	365
specializing in audits, the attorney, accountant, or entity	366
shall be independent from the operator with which the school has	367
contracted.	368
(32) A provision requiring the governing authority to	369
adopt an enrollment and attendance policy that requires a	370
student's parent to notify the community school in which the	371
student is enrolled when there is a change in the location of	372
the parent's or student's primary residence.	373
(33) A provision requiring the governing authority to	374
adopt a student residence and address verification policy for	375
students enrolling in or attending the school.	376
(B) The community school shall also submit to the sponsor	377
a comprehensive plan for the school. The plan shall specify the	378
following:	379
(1) The process by which the governing authority of the	380
school will be selected in the future;	381
(2) The management and administration of the school;	382
(3) If the community school is a currently existing public	383
school or educational service center building, alternative	384
arrangements for current public school students who choose not	385
to attend the converted school and for teachers who choose not	386
to teach in the school or building after conversion;	387
(4) The instructional program and educational philosophy	388

of the school;	389
(5) Internal financial controls.	390
When submitting the plan under this division, the school	391
shall also submit copies of all policies and procedures	392
regarding internal financial controls adopted by the governing	393
authority of the school.	394
(C) A contract entered into under section 3314.02 of the	395
Revised Code between a sponsor and the governing authority of a	396
community school may provide for the community school governing	397
authority to make payments to the sponsor, which is hereby	398
authorized to receive such payments as set forth in the contract	399
between the governing authority and the sponsor. The total	400
amount of such payments for monitoring, oversight, and technical	401
assistance of the school shall not exceed three per cent of the	402
total amount of payments for operating expenses that the school	403
receives from the state.	404
(D) The contract shall specify the duties of the sponsor	405
which shall be in accordance with the written agreement entered	406
into with the department of education under division (B) of	407
section 3314.015 of the Revised Code and shall include the	408
following:	409
(1) Monitor the community school's compliance with all	410
laws applicable to the school and with the terms of the	411
contract;	412
(2) Monitor and evaluate the academic and fiscal	413
performance and the organization and operation of the community	414
school on at least an annual basis;	415
(3) Report on an annual basis the results of the	416
evaluation conducted under division (D)(2) of this section to	417

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the department of education and to the parents of students	418
enrolled in the community school;	419
(4) Provide technical assistance to the community school	420
in complying with laws applicable to the school and terms of the	421
contract;	422
(5) Take steps to intervene in the school's operation to	423
correct problems in the school's overall performance, declare	424
the school to be on probationary status pursuant to section	425
3314.073 of the Revised Code, suspend the operation of the	426
school pursuant to section 3314.072 of the Revised Code, or	427
terminate the contract of the school pursuant to section 3314.07	428
of the Revised Code as determined necessary by the sponsor;	429
(6) Have in place a plan of action to be undertaken in the	430
event the community school experiences financial difficulties or	431
closes prior to the end of a school year.	432
(E) Upon the expiration of a contract entered into under	433
this section, the sponsor of a community school may, with the	434
approval of the governing authority of the school, renew that	435
contract for a period of time determined by the sponsor, but not	436
ending earlier than the end of any school year, if the sponsor	437
finds that the school's compliance with applicable laws and	438
terms of the contract and the school's progress in meeting the	439
academic goals prescribed in the contract have been	440
satisfactory. Any contract that is renewed under this division	441
remains subject to the provisions of sections 3314.07, 3314.072,	442
and 3314.073 of the Revised Code.	443
(F) If a community school fails to open for operation	444
within one year after the contract entered into under this	445
section is adopted pursuant to division (D) of section 3314.02	446

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of the Revised Code or permanently closes prior to the
 expiration of the contract, the contract shall be void and the
 school shall not enter into a contract with any other sponsor. A
 school shall not be considered permanently closed because the
 operations of the school have been suspended pursuant to section
 3314.072 of the Revised Code.

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

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

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(1) "Divisive concept" has the same meaning as in section 3313.6027 of the Revised Code. 477
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(2) "State agency" means every organized body, office, or agency established by the laws of the state for the exercise of any function of state government and includes a state institution of higher education, the public employees retirement system, the Ohio police and fire pension fund, the state teachers retirement system, the school employees retirement system, and the state highway patrol retirement system. 479
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(3) "State institution of higher education" has the same meaning as in section 3345.011 of the Revised Code. 486
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(B) (1) No state agency shall offer teaching, instruction, or training on divisive concepts to any employees, contractors, staff members, or any other individual or group or require them to adopt or believe in divisive concepts. 488
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(2) No state employee shall face any penalty or discrimination on account of the employee's refusal to support, believe, endorse, embrace, confess, act upon, or otherwise assent to divisive concepts. No state employee shall be required to complete a curriculum including divisive concepts as a condition or prerequisite of employment. 492
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(3) No state agency shall accept private funding for the purpose of developing curriculum, purchasing or selecting course materials, or providing training or professional development for a course that promotes divisive concepts. 498
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(C) The administrative head of each state agency shall do the following: 502
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(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a 504
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condition of receiving a grant from the agency, to certify that 506
the recipient shall not use grant funds to promote divisive 507
concepts. 508

(2) Review all training programs for agency employees 509
relating to diversity or inclusion to ensure the programs comply 510
with the requirements of division (B) of this section. If a 511
training program provided by a contracted entity relates to 512
diversity or inclusion that teaches, advocates, or promotes 513
divisive concepts and violates the applicable contract, the 514
agency head shall evaluate whether to pursue debarment of the 515
contractor, consistent with applicable law and regulation. 516

(3) Ensure that divisive concepts are not taught, 517
advocated, acted upon, or promoted by the agency, the agency's 518
employees during work hours, or any contractor hired by the 519
agency to provide training, workshops, forums, or similar 520
programming to the agency's employees; 521

(4) Encourage agency employees not to judge each other by 522
their color, race, ethnicity, sex, or any other characteristic 523
protected by federal or state law; 524

(5) Issue to all agency employees the policy developed 525
under division (D) of this section, annually review and assess 526
the agency's compliance with the policy, and submit a report to 527
the department of administrative services regarding the agency's 528
compliance. At least one employee of the agency shall be 529
responsible for ensuring compliance with the requirements of the 530
policy. 531

(D) The department of administrative services shall 532
develop a policy that complies with the requirements of this 533
section and incorporates the requirements of diversity and 534

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inclusion efforts and encourages state employees not to judge 535
each other by their color, race, ethnicity, sex, or any other 536
characteristic protected by federal or state law. The department 537
shall establish rules in accordance with Chapter 119. of the 538
Revised Code for the implementation and enforcement of the 539
policy. 540

(E) Nothing in this section shall be construed to prohibit 541
discussing or using supplemental instructional materials, as 542
part of a larger course of academic instruction or training, to 543
teach divisive concepts in an objective manner and without 544
endorsement. Such materials may include the following: 545

(1) The history of an ethnic group, as described in 546
textbooks and instructional materials adopted in accordance with 547
statutory law concerning textbooks and instructional materials; 548

(2) The impartial discussion of controversial aspects of 549
history; 550

(3) The impartial instruction on the historical oppression 551
of a particular group of people based on race, ethnicity, class, 552
nationality, religion, or geographic region; 553

(4) Historical documents permitted under statutory law, 554
such as the national motto, the national anthem, the Ohio 555
Constitution, the United States Constitution, the Revised Code, 556
federal law, and United States Supreme Court decisions. 557

Section 2. That existing sections 3314.03 and 3326.11 of 558
the Revised Code are hereby repealed. 559

Section 3. The General Assembly, applying the principle 560
stated in division (B) of section 1.52 of the Revised Code that 561
amendments are to be harmonized if reasonably capable of 562
simultaneous operation, finds that the following sections, 563

presented in this act as composites of the sections as amended 564
by the acts indicated, are the resulting versions of the 565
sections in effect prior to the effective date of the sections 566
as presented in this act: 567

Section 3314.03 of the Revised Code as amended by H.B. 568
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 569
89, all of the 133rd General Assembly. 570

Section 3326.11 of the Revised Code as amended by H.B. 571
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 572
General Assembly. 573

From: Rep95
Sent: Monday, May 24, 2021 11:11 AM
To: 'mike@b-simple.com'; 'mikeg@pjtn.org'
Subject: Jones CRT Bill
Attachments: 1_134_1375-4.pdf

Just in case- also sending from this email. Thanks!

AJ

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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
and to enact sections 3313.6027, 3313.6028, and
3313.6029 of the Revised Code regarding the
teaching of certain current events and certain
concepts regarding race and sex in public
schools.

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

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

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

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

of the following: 18

(i) Include the essential academic content and skills that 19
students are expected to know and be able to do at each grade 20
level that will allow each student to be prepared for 21
postsecondary instruction and the workplace for success in the 22
twenty-first century; 23

(ii) Include the development of skill sets that promote 24
information, media, and technological literacy; 25

(iii) Include interdisciplinary, project-based, real-world 26
learning opportunities; 27

(iv) Instill life-long learning by providing essential 28
knowledge and skills based in the liberal arts tradition, as 29
well as science, technology, engineering, mathematics, and 30
career-technical education; 31

(v) Be clearly written, transparent, and understandable by 32
parents, educators, and the general public. 33

(b) Not later than July 1, 2012, the state board shall 34
incorporate into the social studies standards for grades four to 35
twelve academic content regarding the original texts of the 36
Declaration of Independence, the Northwest Ordinance, the 37
Constitution of the United States and its amendments, with 38
emphasis on the Bill of Rights, and the Ohio Constitution, and 39
their original context. The state board shall revise the model 40
curricula and achievement assessments adopted under divisions 41
(B) and (C) of this section as necessary to reflect the 42
additional American history and American government content. The 43
state board shall make available a list of suggested grade- 44
appropriate supplemental readings that place the documents 45
prescribed by this division in their historical context, which 46

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teachers may use as a resource to assist students in reading the documents within that context. 47
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(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium. 49
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(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section. 54
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 61
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The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 66
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(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in 74
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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

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time, place, path, or pace of learning.	222
(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

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<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

determined by the individual's race or sex;

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(6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

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(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;

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(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;

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(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;

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(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

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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.

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(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.

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(C) If a student completes a course that includes any of

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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

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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 336
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 340
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 344
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- (6) (a) Dismissal procedures; 347
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- (b) A requirement that the governing authority adopt an attendance policy that includes a procedure for automatically withdrawing a student from the school if the student without a legitimate excuse fails to participate in seventy-two consecutive hours of the learning opportunities offered to the student. 349
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 354
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- (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
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- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 362
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(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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Adrienne Robbins
Sent: Tuesday, May 25, 2021 1:20 PM
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Subject: Interview Request

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Arobbins@wcmh.com

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From: Rep95
Sent: Tuesday, May 25, 2021 1:28 PM
To: 'Adrienne Robbins'
Subject: RE: Interview Request

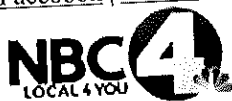
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Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

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Awesome. We'll see you then. Thanks!

AJ

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From: Ron.l.bowman1225@gmail.com
Sent: Tuesday, May 25, 2021 4:01 PM
To: Rep95
Subject: Critical Race Theory

First Name: R
Last Name: Bowman
Email: Ron.l.bowman1225@gmail.com
Phone: (614) 855-9780
Address:
15 main atreet
Columbus, OH 43215

Subject: Critical Race Theory

Message: Dear Mr Jones: I find pathetic that 1) you and party will do ANYTHING to stay in power and uphold White Supremacy through legislation like bill 322; 2) your redneck voting base is both stupid and fearful enough to swallow your party's bullshit because they can't think for themselves. That's all this bill is about. By the way, as a white male YOU don't get to decide what is or is not systemic racism. The fact the you feel you can is in ITSELF racist. F@ck ALL THE WAY OFF!

From: jaagenas@gmail.com
Sent: Tuesday, May 25, 2021 4:10 PM
To: Rep95
Subject: CRT

First Name: Jason
Last Name: Aagenas
Email: jaagenas@gmail.com
Phone: (614) 406-6114
Address:
1125 Limberlost Ct
Columbus, OH 43235

Subject: CRT

Message: Dear Mr. Jones,

I am writing today to express my displeasure with the ridiculous new bill you plan to introduce. If you were smart enough to understand CRT than perhaps this wouldn't be an issue. CRT is not about making anyone feel bad, if that is your personal reaction to the institution of white supremacy, then you are due for some true introspection. Let me briefly explain privilege to you in terms you might understand. When you or I walk home from a bar at night in a city, we do not fear for our safety. When my wife walks home from a bar alone, she does. We have the privilege of not having to worry about that. She does not. Does that make us bad or should it make us feel bad - no. But would we also like our wives to live in a world where they don't have to worry about that...dear god I would hope that your answer is yes. That is the basic tenet of these discussions and this curriculum - that people can empathize and see the world through other's peoples views. You cannot teach white people to understand the different circumstances that people of color face without feeling a little uncomfortable, and that is fine. Look deeper into this issue and don't just react to calls from angry parents are misinformed. Do your homework and stop this bill.

From: vanessa.roach17@gmail.com
Sent: Tuesday, May 25, 2021 4:10 PM
To: Rep95
Subject: CRT

First Name: Vanessa
Last Name: Roach
Email: vanessa.roach17@gmail.com
Address:
6664 Maplebrook Ln
Columbus, OH 43235

Subject: CRT

Message: Good afternoon, Representative. I know I'm not in your district, so I appreciate your time and will keep this brief.

I was distressed to learn of your new bill banning CRT. Racial biases are very much real, in everyone's heart. As a Republican, I am proud of our nation, but I know our predecessors made mistakes when it came to race. It is the epitome of the American Spirit to admit mistakes, make corrections, and move forward to a better future.

Slavery, the Trail of Tears, the internment of Japanese Americans at world war II: these are all examples of racial mistakes made by our country. We have to be honest with our kids about what happened.

Obviously I know that you feel strongly about CRT or you wouldn't have introduced a bill. I therefore appreciate your time and hearing out a dissenting opinion.

If you're interested, highly recommend the book, *Why I Stopped Talking to White People About Race*". It really opened my eyes to some of the things that I have been blind to as a white person.

Best wishes,
Vanessa Roach

From: linden333@zoho.com
Sent: Tuesday, May 25, 2021 5:19 PM
To: Rep95
Subject: CRT bill

First Name: S. A.
Last Name: Linden
Email: linden333@zoho.com
Address:
904 Norris Drive
Columbus, OH 43224

Subject: CRT bill

Message: Really disappointed to see the Rep. leading the charge against the teaching of "critical race theory." Is he saying that students shouldn't be taught about systemic racist practices like "red-lining" and other racially oppressive techniques that certain US systems have used for years and sometimes even still employ to make it harder for African-Americans to get an equal break economically and culturally in the US?

Seriously, it's stupid and immoral to refuse to acknowledge that racism in America is anything more than about individual choice. Any sociological, economic, or cultural expert will laugh in your face. One couldn't possibly pass a college course on those subjects without admitting that systemic racism is real.

Let me give you a personal example: for several years I lived in a smaller town west of Columbus. My residence was close to a swim club with some really nice facilities. I didn't realize until I'd been a member for several years that it was exclusively for white members. This town had a suburb where only the black folk lived and it took me a while to catch on that they weren't allowed to join this club. As a white person, I decided to quit the club.

Yes, that was my individual decision, but the decision of the club owners and members to bar blacks was NOT just a decision of a group of individuals . . . that decision had a marked effect and limitation of other city residents to enjoy an equal opportunity to join this club. Whether or not the Rep. thinks it was OK or legal for a private club to do that, it DID have an influence on the general system, as blacks had no other alternative than to do without that recreation. If Rep. Jones can't see that the racism in this incident was literally "systemic," then he's refusing to look. Should we lie to our children about despicable things like that?

This bill must all be for show . . . to perform for right wing voting demographics. It's inexcusable to deprive our children of the information they need for positive change in our society.

How about we don't give "critical race theory" that fancy name, but instead just call it the TRUTH?

From: danjones2222@gmail.com
Sent: Tuesday, May 25, 2021 7:34 PM
To: Rep95
Subject: Disappointed

First Name: Daniel
Last Name: Jones
Email: danjones2222@gmail.com
Address:
1643 18th Street
Cuyahoga Falls, OH 44223

Subject: Disappointed

Message: Representative Jonesâ€the fact that you're introducing anti-CRT legislation shows how uninformed you must be about the issues at hand. The very fact that you intend to issue a ban like this is a facet that CRT intends to educate about. Further, it seems you've completely misread history in regard to how banning books or teaching works out in the United States. If you claim to uphold the Constitution, abide by its principles; this idea clearly violates the First Amendment. In a world where Trumpism seems to be a fixation for Republicans, I sincerely encourage you to go back to the principles that the Republican Party formerly represented; otherwise your days in office are surely numbered.

Sincerely hope the best for you and Ohio.

From: cshaltens2@gmail.com
Sent: Wednesday, May 26, 2021 2:04 AM
To: Rep95
Subject: Thank you - House Bill 322

First Name: Carol
Last Name: A Shaltens
Email: cshaltens2@gmail.com
Address:
1001 Landings Loop S
Westerville, OH 43082

Subject: Thank you - House Bill 322

Message: Thank you for speaking up about Critical Race Theory. I have a daughter in middle school who never in her life even looked at people by their race. She was raised in a very diverse area in Westerville, and never once considered race to be a reason to like or dislike someone. All of the focus on race has been very confusing to her, and based on classroom discussions in history, she was starting to believe that all white people were bad. I don't believe in lumping anyone together in a group and judging them. Only god can judge, I don't have the right to. Racism is a sin, period. Anyway, I hope and pray that your bill passes. Thanks again for working so hard on this legislation. God bless you.

From: honey.behr@yahoo.com
Sent: Wednesday, May 26, 2021 6:15 AM
To: Rep95
Subject: CRT

First Name: Carolyn
Last Name: Behr-Jerome
Email: honey.behr@yahoo.com
Phone: (440) 206-5058
Address:
554 Penny Lane
Jefferson, OH 44047

Subject: CRT

Message: Thank you for introducing the bill to ban critical race theory. I realize I am not in your district, but I wanted to reach out to you. I am a conservative high school math teacher. I am no longer in a public school and now that I am in a private school, I can clearly see the political Marxism that's infiltrated our schools. I wanted to inform you that the ODE has naught into CRT as well as the OCTM - Ohio Council for teachers of mathematics. I am on their mailing list and received information that the OCTM conference was all about CRT in mathematics. The titles were subtle, of course, but as I looked into it further I discovered how progressive the conferences and town hall meetings were. I haven't read your bill, but I hope it includes provisions for the sneaky way progressives push their agenda. Thank you.

From: ajtompkins55@gmail.com
Sent: Wednesday, May 26, 2021 6:49 AM
To: Rep95
Subject: Thank you

First Name: Andrew
Last Name: Tompkins
Email: ajtompkins55@gmail.com
Phone: (614) 441-2525
Address:
2038 Bedford Rd
Columbus, OH 43212

Subject: Thank you

Message: Representative Jones-

Thank you for introducing HR 322. My wife and I (as well as many others in our community) are grateful for your attempt to drag this malignant philosophy out into the light so it can wither and die the quick death it deserves.

Sincerely,

Andrew J. Tompkins

From: mggaskill@hotmail.com
Sent: Wednesday, May 26, 2021 9:19 AM
To: Rep95
Subject: Your Critical Race Theory Bill

First Name : Mark

Last Name : Gaskill

Address : 333 Sherwood Meadows Drive

City : Gahanna

State : OH

Zip : 43230

Phone : (614) 307-4130

Email : mggaskill@hotmail.com

Subject :
Your Critical Race Theory Bill

Message :

Representative Jones, I'm a 65 year old white man, born and raised in Texas, but living nearly 40 years in my adopted state of Ohio. In my opinion, you could not be more wrong about critical race theory. There's nothing anti-American about critical race theory unless you believe that you are the final arbiter of what it means to be American. Critical race theory does not threaten anything except your inherent and obvious white supremacy. The last thing in the world we need is another white man talking about how we should teach about race.

Why don't you give me a call and we can have a conversation about why critical race theory is in fact a critical and necessary component of Ohio education?

From: aking@bright.net
Sent: Wednesday, May 26, 2021 9:32 AM
To: Rep95
Subject: HB 322 - THANK YOU

First Name : Angie

Last Name : King

Address : 141 Pleasant Ridge Ave

City : Celina

State : OH

Zip : 45822

Phone :

Email : aking@bright.net

Subject :
HB 322 - THANK YOU

Message :
Dear Representative Jones,

Thank you for sponsoring HB 322

"Critical race theory, the 1619 Project and the crusade against American history is toxic propaganda, ideological poison, that, if not removed, will dissolve the civic bonds that tie us together, will destroy our country," President Trump said.

We need to reinstate "patriotism" in American schools, not more divisiveness nonsense.

Martin Luther King Jr. "looked to the day when all of us would be judged by the content of our character, not the color of our skin" in his 1963 'I Have a Dream' speech." "America embraced that goal and we have made great progress; President Obama is proof of that progress.

Critical race theory is poisonous and it should have no place in our schools.

Again, THANK YOU for sponsoring HB 322 and banning critical race theory from being taught in Ohio schools.

Sincerely,
Angie King

From: P Henry
Sent: Wednesday, May 26, 2021 10:36 AM
To: Rep80
CC: Rep81
Subject: Fwd: Ohio's Sovereignty

----- 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 and 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: spiker@ohio.edu
Sent: Wednesday, May 26, 2021 10:57 AM
To: Rep95
Subject: House Bill 322

First Name : Kevin

Last Name : Spiker

Address : 430 East Main

City : Barnesville

State : OH

Zip : 43713

Phone : (740) 228-2606

Email : spiker@ohio.edu

Subject :
House Bill 322

Message :

Rep. Jones:

I just wanted to applaud your efforts regarding critical race theory and your introduction of House Bill 322! Keep up the good work for citizens of the Ohio Valley, and all of Ohio!

Best,

Dr. Kevin Spiker
Barnesville, Ohio

From: Djnecamp@gmail.com
Sent: Wednesday, May 26, 2021 11:48 AM
To: Rep95
Subject: Critical Race Theory

First Name : DeJuana

Last Name : Simpson-NeCamp

Address : 1189 Feather Trail

City : Maineville

State : OH

Zip : 45040

Phone : (513) 405-9331

Email : Djnecamp@gmail.com

Subject :
Critical Race Theory

Message :
Just want you to know we support your bill here in SW Ohio. How can we help get this passes?

From: seanleethompson@gmail.com
Sent: Wednesday, May 26, 2021 2:51 PM
To: Rep95
Subject: Ban Critical Race Theory " Look at the Ohio Department of Education Website

First Name : Sean

Last Name : Thompson

Address : 5416 Drayton Hall

City : Valley City

State : OH

Zip : 44280

Phone :

Email : seanleethompson@gmail.com

Subject :
Ban Critical Race Theory " Look at the Ohio Department of Education Website

Message :
Thank you for introducing legislation to remove CRT from our schools. It is important that you read a resolution posted to the Ohio Board of Educations website last July:

Ohio Board of Education " RESOLUTION TO CONDEMN RACISM AND TO ADVANCE EQUITY AND OPPORTUNITY FOR BLACK STUDENTS, INDIGENOUS STUDENTS AND STUDENTS OF COLOR (July 14, 2020)

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

From: smc_58@yahoo.com
Sent: Wednesday, May 26, 2021 3:09 PM
To: Rep95
Subject: HB 322

First Name : Sean

Last Name : Crowley

Address : 26508 Bruce Rd

City : Bay Village

State : OH

Zip : 44140

Phone : (440) 864-8922

Email : smc_58@yahoo.com

Subject :
HB 322

Message :

Dear Mr. Jones

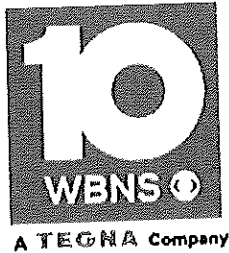
I have previously written several members about legislation to ban the teaching of CRT and the 1619 project in Ohio public schools. I am vehemently opposed to the indoctrination of our youth with leftist ideology.


I want you to know that I support HB 322 and request that you move this forward.

Thank you!

From: Smith, Ellie
Sent: Wednesday, May 26, 2021 3:14 PM
To: Rep95
Subject: 10TV interview - HB 322

Hi Rep. Jones,
I'm a producer at 10TV News. We would be interested in interviewing you about House Bill 322. Please let me know if you might have some time for a Zoom interview about it some time before the end of the week. Please let me know if you have any questions or concerns. Thanks!



Ellie Smith
Morning Content Coordinator
eleanor.smith@10tv.com
c: 614.406.7217
f  10TV.com

From: hickmanheather65@gmail.com
Sent: Wednesday, May 26, 2021 4:16 PM
To: Rep95
Subject: House Bill 322

First Name : Mary

Last Name : Hickman

Address : 2460 Ridgewood Ave

City : Alliance

State : OH

Zip : 44601

Phone :

Email : hickmanheather65@gmail.com

Subject :
House Bill 322

Message :
Dear Sir,

If this bill passes, you have effectively relegated the students of Ohio into the category of people unable to think for themselves. We already have too many of those individuals.

Teaching history and civics by asking everyone (not just whites) to think about race relations is not "making them question their whiteness."

I am not a person of color and I find this bill to be absolutely ridiculous.

From: Rep95
Sent: Wednesday, May 26, 2021 4:39 PM
To: Jach, Taylor
Subject: FW: 10TV interview - HB 322

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 3:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: 10TV interview - HB 322

Hi Rep. Jones,
I'm a producer at 10TV News. We would be interested in interviewing you about House Bill 322. Please let me know if you might have some time for a Zoom interview about it some time before the end of the week. Please let me know if you have any questions or concerns. Thanks!



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Ellie Smith

Morning Content Coordinator

eleanor.smith@10tv.com

c: 614.406.7217

f  [10TV.com](https://www.10TV.com)

From: loribb27@gmail.com
Sent: Wednesday, May 26, 2021 4:43 PM
To: Rep95
Subject: Bill Prohibiting Critical Race Theory

First Name : Lori

Last Name : Beckman

Address : 898 Sundance Dr.

City : Cincinnati

State : OH

Zip : 45233

Phone :

Email : loribb27@gmail.com

Subject :
Bill Prohibiting Critical Race Theory

Message :

Thank you so much for introducing House Bill 322 prohibiting critical race theory in Ohio schools. It is a relief that we are being protected and supported by our state government officials who have the same views and care about our children as much as parents like me whose children are enrolled in Ohio schools.

From: Rep95
Sent: Wednesday, May 26, 2021 5:32 PM
To: 'Smith, Ellie'
Subject: RE: 10TV interview - HB 322

Hi Ellie, could we do tomorrow at 2, 2:30, or 3? Thanks!

AJ
AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 3:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: 10TV interview - HB 322

Hi Rep. Jones,
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A TEGNA Company

Ellie Smith
Morning Content Coordinator
eleanor.smith@10tv.com
c: 614.406.7217
f 10TV.com

From: Maggie Kohl
Sent: Wednesday, May 26, 2021 5:32 PM
To: Rep95
Subject: Introduction from Christopher Rufo

Follow Up Flag: Follow up
Flag Status: Flagged

Hello Representative Jones,

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 regarding House Bill 322. We're happy to boost this bill through our media platforms as well as assist in whatever way would be most helpful. Chris can assist with drafting any amendments that may be necessary, he and our partner legal organizations can provide expert testimony, and Chris can use his social media platform to boost the bill's movement.

If you have any questions, please let me know. We would love to help this pass in Ohio!

Best,
Maggie

From: Smith, Ellie
Sent: Wednesday, May 26, 2021 5:41 PM
To: Rep95
Subject: Re: 10TV interview - HB 322

Could we do 3?

From: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Sent: Wednesday, May 26, 2021 5:31:59 PM
To: Smith, Ellie <Eleanor.Smith@10tv.com>
Subject: RE: 10TV interview - HB 322

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegnac.com.

Hi Ellie, could we do tomorrow at 2, 2:30, or 3? Thanks!

AJ

AJ THOMAS

Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 3:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: 10TV interview - HB 322

Hi Rep. Jones,
I'm a producer at 10TV News. We would be interested in interviewing you about House Bill 322. Please let me know if you might have some time for a Zoom interview about it some time before the end of the week. Please let me know if you have any questions or concerns. Thanks!



Ellie Smith

Morning Content Coordinator

eleanor.smith@10tv.com

c: 614.406.7217

f  10TV.com



From: rheinstro@att.net
Sent: Wednesday, May 26, 2021 6:03 PM
To: Rep95
Subject: CRT

First Name : Mary

Last Name : Rhein

Address : 13776 Oak Brook Drive

City : North Royalton

State : OH

Zip : 44133

Phone : (440) 862-1273

Email : rheinstro@att.net

Subject :
CRT

Message :

Mr. Jones

I am deeply disappointed to see that you are pushing HB322. How do you expect our children to make the U.S. a better, stronger union if they don't understand all of the history of this country? We can't continue to bury our heads in the sand and pretend racism doesn't exist. There's that old saying "History repeats itself". The unrest, protests and hate will continue as long as we refuse to look at the problem, educate ourselves and work toward a solution. Pretending this part of American History doesn't exist via HB322 is not a solution. It will merely add fuel to the fire.

I realize that I am not in your congressional district. However, I will be sure to do whatever I can to help elect someone more open-minded to replace you when the time comes.

Mary Ellen Rhein

From: Girlpiloterina@aol.com
Sent: Wednesday, May 26, 2021 6:11 PM
To: Rep95
Subject: CRT bill

First Name : Brenda

Last Name : Nichols-Omicinski

Address : 1629 Stine rd

City : Peninsula

State : OH

Zip : 44264

Phone :

Email : Girlpiloterina@aol.com

Subject :
CRT bill

Message :

Thank you a million times for introducing a bill to ban Critical race theory in our schools.

From: Nicole.Strayer@calix.com
Sent: Wednesday, May 26, 2021 7:28 PM
To: Rep95
Subject: Thank you for introducing HB 322!

First Name : Nicole

Last Name : Strayer

Address : 18 Mariyn Dr NE

City : Newark

State : OH

Zip : 43055

Phone : (740) 263-1159

Email : Nicole.Strayer@calix.com

Subject :
Thank you for introducing HB 322!

Message :

Thank you so much for your courage and leadership. I called my kids school today and found out that CRT is being rolled out, even in our rural (ish) county. Please let me know, as a community member, what I can do to ensure this works its way through quickly. We need this addressed asap, preferably before the fall. I am a mother of two biracial (African American) sons and do not want them to ever assume the system is stacked against them. It's not. They have the same opportunities and it all comes down to personal responsibility and choices they make (good and bad consequences). Thank you for addressing this and again, please let me know what I can do to support your efforts.

Nicole

From: edrazek@sbcglobal.net
Sent: Wednesday, May 26, 2021 10:15 PM
To: Rep95
Subject: Critical Race Theory taught in Schools

First Name : Theresa

Last Name : Drazek

Address : 773 Hoop Road

City : Xenia

State : OH

Zip : 45385

Phone : (937) 776-6587

Email : edrazek@sbcglobal.net

Subject :
Critical Race Theory taught in Schools

Message :

Dear Mr. Jones,

I am writing to Thank You for you work on Ending any Critical race theory from being taught in Ohio Public Schools. As a teacher and Day Care center director in Ohio for my entire career, I beseech you to Stand Strong on this issue and stand up for equal opportunities for all children no matter the color of their skin. I spent my entire career leaving No Stone Unturned when it came to making ALL Children feel Loved and Special and Appreciated. My heart could Never look in those innocent eyes and ever make a child feel less than another because of anything! Not a family's political veiws, Not a family's Religion, Not a family's Social Status....Nothing! Nor Would I Ever have allowed my staff or myself to influence a childs political or religious views, much less teach one child to belittle another or look down upon another child based on race or "priviledge" or lack thereof. Thank YOU So much for Addressing this issue and Please Keep cncouraging your fellow law makers to pass a law ending this way of teaching.

From: amccoyconsultant@yahoo.com
Sent: Wednesday, May 26, 2021 11:04 PM
To: Rep95
Subject: Meeting with Naacp

First Name : Annette

Last Name : Mccoy

Address : PO box 4303

City : Warren

State : OH

Zip : 44482

Phone : (330) 766-0467

Email : amccoyconsultant@yahoo.com

Subject :
Meeting with Naacp

Message :

Rep. Don Jones

The Naacp Presidents in Ohio are requesting a virtual meeting with you regarding the proposed legislation on HB 322.

Also to discuss injection well legislation .

Annette McCoy Trumbull County President

From: P Henry

Sent: Thursday, May 27, 2021 7:54 AM

To: Rep95

Subject: HB322 Removal of the Critical Race Theory from our Schools

Honorable Representative Jones-

Finally someone who cares

God Bless you for introducing this HB 322--is there a chance that our state funded colleges and Universities would be included?

Look forward to seeing who the committee members are!!

Respectfully

Pat Henry

Citizens to Keep America Free

Cols., Ohio

From: jondoen87@yahoo.com
Sent: Thursday, May 27, 2021 9:44 AM
To: Rep95
Subject: Critical Race Theory HB 322

Representative Jones, Yes yes yes!!-- finally someone stands up for ALL citizens in Ohio.!!!

Would HB 322 also include state funded higher education institutions? I hope it does-

They are turning out nothing but liberals -hating this Country!

Sincerely .

Jon Doen
Dayton.

From: Sarahpatches@yahoo.com
Sent: Thursday, May 27, 2021 10:10 AM
To: Rep95
Subject: CRT

First Name : Sarah
Last Name : Knouff
Address : 1300 Lincoln rd
City : Columbus
State : OH
Zip : 43212
Phone : (614) 309-3268
Email : Sarahpatches@yahoo.com

Subject : CRT

Message : Thank you, thank you, thank you for introducing HB 322. We need leaders to stand up for what is right and banning CRT from our schools!

From: claireantonia@gmail.com
Sent: Thursday, May 27, 2021 11:48 AM
To: Rep95
Subject: House Bill 322 - Critical Race Theory

First Name : Claire
Last Name : Priestas
Address : 376 W 5th Ave
City : Columbus
State : OH
Zip : 43201
Phone : (614) 425-4388
Email : claireantonia@gmail.com

Subject : House Bill 322 - Critical Race Theory

Message : Dear Rep. Jones,

I wanted to write to oppose House Bill 322 regarding Critical Race Theory. I feel that this has become a bogeyman-like concept that is hardening the minds of people and creating more division. I am sorry to see your peddling misperceptions about conversations about race and worse, trying to embed these uninformed fears into our laws. I feel like the idea of Critical Race Theory became bigger and more threatening than it really is as soon as it became a rallying point for white, conservative politicians.

There's no denying that the experience of a black person living in America is different than that of me as a white woman. Really, mostly that's what I want my kid to understand. To blame the failure of black people or latinos to reach the same levels of achievement in the US because they are lazy and "not interested in working" or because they "won't learn the language" is something I've heard grandparents say as a casual comment in front of my kid, and it's not fair. If we hear that then I think it's fair to point out that blacks and latinos may not have the relatives who went to a university and can make a phone call to get them in, or the mere fact that the college application asks where your parents went to school, gives legacies and advantage, or white people may get jobs easier because leaders "see their younger selves in them."

Just cut out this divisive nonsense. It's not helpful to anyone. You're buying into and I daresay being brainwashed into thinking any conversation about race is going to come after white people. It's not. It's about raising our children to be more empathetic, aware and improve the United States and help us live up to the ideals of equality, justice and opportunity for all. "The unexamined life is not worth living " is handed down to us from Socrates. I don't understand why you are afraid of teaching self-awareness and situational awareness to Ohio kids.

From: Smith, Ellie
Sent: Thursday, May 27, 2021 1:03 PM
To: Rep95
Subject: Re: 10TV interview - HB 322

Hi there. Confirming 3 works?

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 5:40:52 PM
To: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Subject: Re: 10TV interview - HB 322

Could we do 3?

From: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Sent: Wednesday, May 26, 2021 5:31:59 PM
To: Smith, Ellie <Eleanor.Smith@10tv.com>
Subject: RE: 10TV interview - HB 322

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Hi Ellie, could we do tomorrow at 2, 2:30, or 3? Thanks!

AJ
AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 3:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: 10TV interview - HB 322

Hi Rep. Jones,
I'm a producer at 10TV News. We would be interested in interviewing you about House Bill 322. Please let me know if you might have some time for a Zoom interview about it some time before the end of the week. Please let me know if you have any questions or concerns. Thanks!



Ellie Smith
Morning Content Coordinator
eleanor.smith@10tv.com
c: 614.406.7217
f  10TV.com

From: Rep95
Sent: Thursday, May 27, 2021 1:19 PM
To: 'Smith, Ellie'
Subject: RE: 10TV interview - HB 322

Hi Elli, so sorry for not getting back with you this morning! Yes, 3 is good. Thanks!

AJ

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Thursday, May 27, 2021 1:03 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: Re: 10TV interview - HB 322

Hi there. Confirming 3 works?

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Wednesday, May 26, 2021 5:40:52 PM
To: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Subject: Re: 10TV interview - HB 322

Could we do 3?

From: Rep95@ohiohouse.gov <Rep95@ohiohouse.gov>
Sent: Wednesday, May 26, 2021 5:31:59 PM
To: Smith, Ellie <Eleanor.Smith@10tv.com>
Subject: RE: 10TV interview - HB 322

CAUTION - EXTERNAL EMAIL - Please use caution opening attachments and never share your password. Send suspicious email to infosec@tegna.com.

Hi Elli, could we do tomorrow at 2, 2:30, or 3? Thanks!

AJ

AJ THOMAS

Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

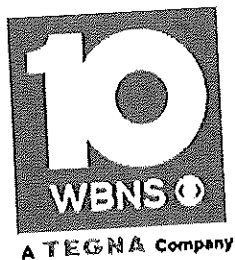
Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov

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f   10TV.com

From: Rep95
Sent: Thursday, May 27, 2021 2:57 PM
To: Jones, Don
Subject: FW: 10TV interview - HB 322

From: Smith, Ellie <Eleanor.Smith@10tv.com>
Sent: Thursday, May 27, 2021 2:56 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: RE: 10TV interview - HB 322

Join Zoom Meeting
<https://us04web.zoom.us/j/76677753984?pwd=TkZWL3Q5Qks0bEdEQ1ozY2tmN3MzZz09>

Meeting ID: 766 7775 3984
Passcode: cvv1D7

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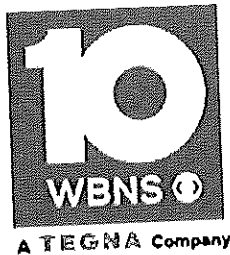
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eleanor.smith@10tv.com

c: 614.406.7217

f  [10TV.com](https://www.10TV.com)

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<https://us04web.zoom.us/j/76677753984?pwd=TkZWL3Q5Qks0bEdEQ1ozY2tmN3MzZz09>

Meeting ID: 766 7775 3984
Passcode: cvv1D7

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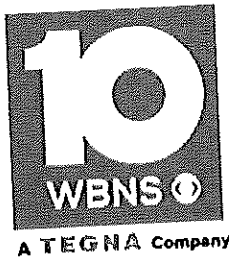
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AJ.Thomas@ohiohouse.gov

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Morning Content Coordinator
eleanor.smith@10tv.com
c: 614.406.7217
f  10TV.com

From: jensg1234-surveys@yahoo.com
Sent: Thursday, May 27, 2021 6:15 PM
To: Rep95
Subject: Thank you for sponsoring HB 322!!

First Name : Jennifer

Last Name : Geyer

Address : 1909 Robert Ave.

City : Fremont

State : OH

Zip : 43420

Phone : (419) 332-2744

Email : jensg1234-surveys@yahoo.com

Subject :
Thank you for sponsoring HB 322!!

Message :
Thank you for sponsoring HB 322!! This is a much needed bill to prevent the indoctrination of children with Marxist ideology.

From: Rep95
Sent: Friday, May 28, 2021 11:04 AM
To: Jones, Don; Jach, Taylor
Subject: FW: HB 322

From: Susan Tebben <susantebben@gmail.com>
Sent: Friday, May 28, 2021 10:49 AM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: HB 322

Hi Rep. Jones-

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 322.

I'm calling just to get your perspective as the author of the bill and just some general questions about it. I read your statement on the introduction of the bill with interest, it just gave me some short follow-up queries.

I won't take more than 10 minutes of your time, which I know is at a premium, so please let me know what time works for you, or give me a call at (740) 707-4568.

If an email statement would be more accessible at this time, I would be happy to send questions.

I'm looking to do a story to run Monday, so ideally I would like to talk or receive the email statement by the end of the day today.

Thank you, and I look forward to speaking with you!

Susan

Susan Tebben
Reporter
Ohio Capital Journal
stebben@ohiocapitaljournal.com
(740) 707-4568

From: Kathy Borrer
Sent: Sunday, May 30, 2021 3:56 PM
To: Rep95
Subject: HB 322

Dear Representative Jones,

I'm not in your District; what's more I'm a Democrat! But I have to write and thank you for introducing HB 322 to prohibit "critical race theory" from being taught in Ohio schools. The Columbus Dispatch ran an article: "Ohio GOP wants to ban critical race theory" by Anna Staver, May 27. But after reading the bill's .pdf and your full statement about it, I am amazed that the issue of CRT (a blatantly racist ideology) is perceived as a Republican concern only. Everyone should be upset about this, and everyone should be wondering "Did I vote for someone who may now be against HB 322?"

Again, thank you.

Kathy G. Borrer
101 W Weber Rd
Columbus, OH 43202

From: karenueburton@cinci.rr.com
Sent: Monday, May 31, 2021 5:42 PM
To: Rep95
Subject: HB322

First Name : Karen

Last Name : Burton

Address : 8718 Hedgerow Ln

City : Maineville

State : OH

Zip : 45039

Phone : (513) 309-0612

Email : karenueburton@cinci.rr.com

Subject :
HB322

Message :
Thank you for sponsoring HB322.

Kings Local Schools slipped CRT into English classes. Please ensure this bill does not leave a loophole open to teach CRT in English classes.

We must get Critical Race Theory out of Kings Local School District and passage of this bill will help us do that.

Thank you for fighting to protect Ohio's children from this harmful curriculum!

I have been compiling CRT resources onto a website. Some of your voters might find this helpful in understanding what CRT is and why it is important to remove it from publicly funded schools:
<https://kingscommunityforeducationintegrity.org/what-is-crt%3F>

From: Allen, Erika
Sent: Tuesday, June 1, 2021 8:22 AM
To: Rep95
Subject: Critical Race Theory Education Bill

Follow Up Flag: Follow up
Flag Status: Completed

Hi,
I'm emailing you from a high school in Michigan to ask you about your bill, HB 322. I'm writing about new legislation being proposed against teaching critical race theory in school, and have some questions about this bill.
Is there a specific example of curriculum currently taught in schools that will no longer be taught under the bill?
What do you see changing if this bill is passed?
Thank you for your time!

--

Erika Allen
Class of 2022
West Ottawa High School

From: Susan Tebben
Sent: Tuesday, June 1, 2021 10:03 AM
To: Rep95
Subject: HB 322

Hi Rep. Jones -

I am hoping to speak to you over the phone to answer some follow-up questions I have regarding House Bill 322, and get your perspective as the sponsor of the bill and as a former teacher. It should only take about 10 minutes of your time (or less), so whenever you are available to talk, please let me know, and I'd be happy to accommodate your schedule.
Thank you in advance!

Susan

--

Susan Tebben
Reporter
Ohio Capital Journal
O: (614) 324-3272
C: (740) 707-4568
stebben@ohiocapitaljournal.com
Twitter: @susantebben

From: Rep95
Sent: Tuesday, June 1, 2021 12:19 PM
To: Jach, Taylor; Jones, Don
Subject: FW: Spectrum News 1 Appearance

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

From: jarrod.allen@charter.com <jarrod.allen@charter.com>
Sent: Tuesday, June 01, 2021 12:14 PM
To: Rep95 <Rep95@ohiohouse.gov>
Subject: Spectrum News 1 Appearance

First Name : Jarrod

Last Name : Allen

Address : 580 N 4th St Suite 350

City : Columbus

State : OH

Zip : 43215

Phone : (614) 531-3820

Email : jarrod.allen@charter.com

Subject :
Spectrum News 1 Appearance

Message :
Hi Rep. Jones-

I'm reaching out on behalf of Curtis Jackson, our evening news anchor & podcast host for Dear Ohio.
<https://spectrumnews1.com/oh/columbus/shows/Dear-Ohio-Podcast>

We're preparing an upcoming episode on Critical Race Theory and he has asked me to invite you to participate in a 1-on-1 interview via webex or phone tomorrow or Thursday afternoon if you have up to but no more than 30 minutes to spare. Usually around 2 or 3 o'clock.

Your interview will be 1 of 2 to be featured on the podcast. The podcast is 18-24 minutes in length, while each interview is usually about 15-20 minutes of question & answer, then assembled into the podcast. If you'd like to hear one of them to see how they're presented publicly, they're available at the link I've included above.

Thanks, Representative.
We hope to hear from you at your earliest convenience.
Jarrod Allen
obo Curtis Jackson

I_134_1375-2

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



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of the following:

(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;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(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;

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(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

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teachers may use as a resource to assist students in reading the documents within that context. 47
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(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium. 49
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(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section. 54
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 61
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The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 66
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(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in 74
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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

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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 (B) (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

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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

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time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 223
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(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 226
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Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs. 232
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It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives. 239
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(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following: 244
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(1) Student work for, affiliation with, or service learning in association with any organization engaged in 249
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<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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

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<u>(4) Members of one race or sex cannot or should not</u>	279
<u>attempt to treat others without respect to race or sex;</u>	280
<u>(5) An individual's moral standing or worth is necessarily</u>	281
<u>determined by the individual's race or sex;</u>	282
<u>(6) An individual, by virtue of the individual's race or</u>	283
<u>sex, bears responsibility for actions committed in the past by</u>	284
<u>other members of the same race or sex;</u>	285
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	286
<u>or any other form of psychological distress on account of the</u>	287
<u>individual's race or sex;</u>	288
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	289
<u>racist or sexist or were created by members of a particular race</u>	290
<u>or sex to oppress members of another race or sex;</u>	291
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	292
<u>sex or to members of that race or sex because of their race or</u>	293
<u>sex;</u>	294
<u>(10) The advent of slavery in the territory that is now</u>	295
<u>the United States constituted the true founding of the United</u>	296
<u>States;</u>	297
<u>(11) With respect to their relationship to American</u>	298
<u>values, slavery and racism are anything other than deviations</u>	299
<u>from, betrayals of, or failures to live up to the authentic</u>	300
<u>founding principles of the United States, which include liberty</u>	301
<u>and equality.</u>	302
<u>(C) No teacher or school administrator employed by a</u>	303
<u>school district or employee of a state agency shall approve for</u>	304
<u>use, make use of, or carry out standards, curricula, lesson</u>	305
<u>plans, textbooks, instructional materials, or instructional</u>	306

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<u>practices that serve to inculcate the concepts described in</u>	307
<u>divisions (B) (1) to (11) of this section.</u>	308
<u>(D) If a student completes a course that includes any of</u>	309
<u>the concepts described in divisions (B) (1) to (11) of this</u>	310
<u>section, that course shall not count towards the requirements</u>	311
<u>for high school graduation specified in section 3313.603 of the</u>	312
<u>Revised Code.</u>	313
<u>Sec. 3313.6029. No teacher shall be required by a policy</u>	314
<u>of any state agency, school district, or school administration</u>	315
<u>to affirm a belief in the systemic nature of racism, or like</u>	316
<u>ideas, or in the multiplicity or fluidity of gender identities,</u>	317
<u>or like ideas, against the teacher's sincerely held religious or</u>	318
<u>philosophical convictions.</u>	319
<u>Sec. 3314.03. A copy of every contract entered into under</u>	320
<u>this section shall be filed with the superintendent of public</u>	321
<u>instruction. The department of education shall make available on</u>	322
<u>its web site a copy of every approved, executed contract filed</u>	323
<u>with the superintendent under this section.</u>	324
<u>(A) Each contract entered into between a sponsor and the</u>	325
<u>governing authority of a community school shall specify the</u>	326
<u>following:</u>	327
<u>(1) That the school shall be established as either of the</u>	328
<u>following:</u>	329
<u>(a) A nonprofit corporation established under Chapter</u>	330
<u>1702. of the Revised Code, if established prior to April 8,</u>	331
<u>2003;</u>	332
<u>(b) A public benefit corporation established under Chapter</u>	333
<u>1702. of the Revised Code, if established after April 8, 2003.</u>	334

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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 335
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 339
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 343
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 347
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- (6) (a) Dismissal procedures; 351
- (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. 352
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 357
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- (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 359
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117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365
(a) A detailed description of each facility used for instructional purposes;	366
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	367
(c) The annual mortgage principal and interest payments that are paid by the school;	368
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	369
(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.	370
(11) That the school will comply with the following requirements:	371
(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.	372
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	373
(c) The school will be nonsectarian in its programs,	374
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admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution. 391
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(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code. 394
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(e) The school shall comply with Chapter 102. and section 2921.42 of the Revised Code. 413
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(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to 415
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receiving a high school diploma may be met by completing the 421
 curriculum adopted by the governing authority of the community 422
 school rather than the curriculum specified in Title XXXIII of 423
 the Revised Code or any rules of the state board of education. 424
 Beginning with students who enter ninth grade for the first time 425
 on or after July 1, 2010, the requirement in sections 3313.61 426
 and 3313.611 of the Revised Code that a person must successfully 427
 complete the curriculum of a high school prior to receiving a 428
 high school diploma shall be met by completing the requirements 429
 prescribed in division (C) of section 3313.603 of the Revised 430
 Code, unless the person qualifies under division (D) or (F) of 431
 that section. Each school shall comply with the plan for 432
 awarding high school credit based on demonstration of subject 433
 area competency, and beginning with the 2017-2018 school year, 434
 with the updated plan that permits students enrolled in seventh 435
 and eighth grade to meet curriculum requirements based on 436
 subject area competency adopted by the state board of education 437
 under divisions (J) (1) and (2) of section 3313.603 of the 438
 Revised Code. Beginning with the 2018-2019 school year, the 439
 school shall comply with the framework for granting units of 440
 high school credit to students who demonstrate subject area 441
 competency through work-based learning experiences, internships, 442
 or cooperative education developed by the department under 443
 division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
 months after the end of each school year a report of its 446
 activities and progress in meeting the goals and standards of 447
 divisions (A) (3) and (4) of this section and its financial 448
 status to the sponsor and the parents of all students enrolled 449
 in the school. 450

(h) The school, unless it is an internet- or computer- 451

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based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 452
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(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. 454
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(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. 461
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(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: 467
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(i) An internet- or computer-based community school; 470
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(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. 472
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(1) The school will comply with section 3321.191 of the Revised Code, unless it is an internet- or computer-based community school that is subject to section 3314.261 of the Revised Code. 474
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(12) Arrangements for providing health and other benefits to employees; 478
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- (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. 480
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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 484
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 486
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 489
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 493
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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; 504
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside 507
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outside the district in which the school is located.	509
That policy shall comply with the admissions procedures specified in	510
sections 3314.06 and 3314.061 of the Revised Code and, at the	511
sole discretion of the authority, shall do one of the following:	512
(a) Prohibit the enrollment of students who reside outside	513
the district in which the school is located;	514
(b) Permit the enrollment of students who reside in	515
districts adjacent to the district in which the school is	516
located;	517
(c) Permit the enrollment of students who reside in any	518
other district in the state.	519
(20) A provision recognizing the authority of the	520
department of education to take over the sponsorship of the	521
school in accordance with the provisions of division (C) of	522
section 3314.015 of the Revised Code;	523
(21) A provision recognizing the sponsor's authority to	524
assume the operation of a school under the conditions specified	525
in division (B) of section 3314.073 of the Revised Code;	526
(22) A provision recognizing both of the following:	527
(a) The authority of public health and safety officials to	528
inspect the facilities of the school and to order the facilities	529
closed if those officials find that the facilities are not in	530
compliance with health and safety laws and regulations;	531
(b) The authority of the department of education as the	532
community school oversight body to suspend the operation of the	533
school under section 3314.072 of the Revised Code if the	534
department has evidence of conditions or violations of law at	535
the school that pose an imminent danger to the health and safety	536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education, 566
auditor of state, and school's sponsor to the extent permitted 567
under and in accordance with the "Family Educational Rights and 568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 569
and any regulations promulgated under that act, and section 570
3319.321 of the Revised Code; 571

(29) If a school operates using the blended learning 572
model, as defined in section 3301.079 of the Revised Code, all 573
of the following information: 574

(a) An indication of what blended learning model or models 575
will be used; 576

(b) A description of how student instructional needs will 577
be determined and documented; 578

(c) The method to be used for determining competency, 579
granting credit, and promoting students to a higher grade level; 580

(d) The school's attendance requirements, including how 581
the school will document participation in learning 582
opportunities; 583

(e) A statement describing how student progress will be 584
monitored; 585

(f) A statement describing how private student data will 586
be protected; 587

(g) A description of the professional development 588
activities that will be offered to teachers. 589

(30) A provision requiring that all moneys the school's 590
operator loans to the school, including facilities loans or cash 591
flow assistance, must be accounted for, documented, and bear 592
interest at a fair market rate; 593

(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.	594 595 596 597 598
(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.	599 600 601 602 603
(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school.	604 605 606
(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following:	607 608 609
(1) The process by which the governing authority of the school will be selected in the future;	610 611
(2) The management and administration of the school;	612
(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;	613 614 615 616 617
(4) The instructional program and educational philosophy of the school;	618 619
(5) Internal financial controls.	620
When submitting the plan under this division, the school	621

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 653
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(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 660
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(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 663
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(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the 674
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operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

Reviewed As To Form By
Legislative Service Commission

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134th General Assembly
Regular Session
2021-2022

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A BILL


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

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

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

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

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


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of the following:

(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;

(ii) Include the development of skill sets that promote information, media, and technological literacy;

(iii) Include interdisciplinary, project-based, real-world learning opportunities;

(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;

(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.

(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

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teachers may use as a resource to assist students in reading the documents within that context. 47
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(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium. 49
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(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section. 54
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 61
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The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 66
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(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in 74
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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

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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 (B)(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

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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

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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

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time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 223
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(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 226
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Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs. 232
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It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives. 239
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(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following: 244
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(1) Student work for, affiliation with, or service learning in association with any organization engaged in 249
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lobbying for legislation at the local, state, or federal level 251
or in social or public policy advocacy; 252

(2) Lobbying for legislation at the local, state, or 253
federal level; 254

(3) Any practicum, action project, or similar activity 255
that involves social or public policy advocacy. 256

(C) No state agency or school district shall accept 257
private funding for curriculum development, purchase or 258
selection of curricular materials, teacher training, 259
professional development, or continuing teacher education 260
pertaining to courses on history, United States government and 261
politics, social studies, or similar subject areas. 262

Sec. 3313.6028. (A) No state agency, school district, or 263
school administration shall require a teacher to affirm a belief 264
in the so-called systemic nature of racism, or similar ideas, 265
that is contrary to the teacher's sincerely held religious or 266
philosophical convictions. 267

(B) No state agency or school district shall teach, 268
instruct, or train any administrator, teacher, staff, member, or 269
employee to adopt or believe any of the following concepts: 270

(1) One race or sex is inherently superior to another race 271
or sex; 272

(2) An individual, by virtue of the individual's race or 273
sex, is inherently racist, sexist, or oppressive, whether 274
consciously or unconsciously; 275

(3) An individual should be discriminated against or 276
receive adverse treatment solely or partly because of the 277
individual's race or sex; 278

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- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex; 279
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- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex; 281
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- (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; 283
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- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex; 286
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- (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; 289
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- (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; 292
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- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States; 295
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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. 298
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- (C) 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 303
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<u>practices that serve to inculcate the concepts described in</u>	307
<u>divisions (B) (1) to (11) of this section.</u>	308
<u>(D) If a student completes a course that includes any of</u>	309
<u>the concepts described in divisions (B) (1) to (11) of this</u>	310
<u>section, that course shall not count towards the requirements</u>	311
<u>for high school graduation specified in section 3313.603 of the</u>	312
<u>Revised Code.</u>	313
<u>Sec. 3313.6029. No teacher shall be required by a policy</u>	314
<u>of any state agency, school district, or school administration</u>	315
<u>to affirm a belief in the systemic nature of racism, or like</u>	316
<u>ideas, or in the multiplicity or fluidity of gender identities,</u>	317
<u>or like ideas, against the teacher's sincerely held religious or</u>	318
<u>philosophical convictions.</u>	319
<u>Sec. 3314.03. A copy of every contract entered into under</u>	320
<u>this section shall be filed with the superintendent of public</u>	321
<u>instruction. The department of education shall make available on</u>	322
<u>its web site a copy of every approved, executed contract filed</u>	323
<u>with the superintendent under this section.</u>	324
<u>(A) Each contract entered into between a sponsor and the</u>	325
<u>governing authority of a community school shall specify the</u>	326
<u>following:</u>	327
<u>(1) That the school shall be established as either of the</u>	328
<u>following:</u>	329
<u>(a) A nonprofit corporation established under Chapter</u>	330
<u>1702. of the Revised Code, if established prior to April 8,</u>	331
<u>2003;</u>	332
<u>(b) A public benefit corporation established under Chapter</u>	333
<u>1702. of the Revised Code, if established after April 8, 2003.</u>	334

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- (2) The education program of the school, including the school's mission, the characteristics of the students the school is expected to attract, the ages and grades of students, and the focus of the curriculum; 335
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- (3) The academic goals to be achieved and the method of measurement that will be used to determine progress toward those goals, which shall include the statewide achievement assessments; 339
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 343
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 347
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- (6) (a) Dismissal procedures; 350
- (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. 351
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 357
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- (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 359
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117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365
(a) A detailed description of each facility used for instructional purposes;	366
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	367
(c) The annual mortgage principal and interest payments that are paid by the school;	368
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	369
(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.	371
(11) That the school will comply with the following requirements:	372
(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.	373
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	374
(c) The school will be nonsectarian in its programs,	375

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admission policies, employment practices, and all other operations, and will not be operated by a sectarian school or religious institution.

(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., and 4167. of the Revised Code as if it were a school district and will comply with section 3301.0714 of the Revised Code in the manner specified in section 3314.17 of the Revised Code.

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

(f) The school will comply with sections 3313.61, 3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the Revised Code, except that for students who enter ninth grade for the first time before July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum in any high school prior to

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receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district. 452
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(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. 454
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(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. 461
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(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: 467
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(i) An internet- or computer-based community school; 470

(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. 471
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(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. 474
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(12) Arrangements for providing health and other benefits to employees; 478
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- (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. 480
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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 484
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 486
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 489
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 493
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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; 504
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside 507
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outside the district in which the school is located. That policy	509
shall comply with the admissions procedures specified in	510
sections 3314.06 and 3314.061 of the Revised Code and, at the	511
sole discretion of the authority, shall do one of the following:	512
(a) Prohibit the enrollment of students who reside outside	513
the district in which the school is located;	514
(b) Permit the enrollment of students who reside in	515
districts adjacent to the district in which the school is	516
located;	517
(c) Permit the enrollment of students who reside in any	518
other district in the state.	519
(20) A provision recognizing the authority of the	520
department of education to take over the sponsorship of the	521
school in accordance with the provisions of division (C) of	522
section 3314.015 of the Revised Code;	523
(21) A provision recognizing the sponsor's authority to	524
assume the operation of a school under the conditions specified	525
in division (B) of section 3314.073 of the Revised Code;	526
(22) A provision recognizing both of the following:	527
(a) The authority of public health and safety officials to	528
inspect the facilities of the school and to order the facilities	529
closed if those officials find that the facilities are not in	530
compliance with health and safety laws and regulations;	531
(b) The authority of the department of education as the	532
community school oversight body to suspend the operation of the	533
school under section 3314.072 of the Revised Code if the	534
department has evidence of conditions or violations of law at	535
the school that pose an imminent danger to the health and safety	536

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of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

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records shall be made available to the department of education,	566
auditor of state, and school's sponsor to the extent permitted	567
under and in accordance with the "Family Educational Rights and	568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	569
and any regulations promulgated under that act, and section	570
3319.321 of the Revised Code;	571
(29) If a school operates using the blended learning	572
model, as defined in section 3301.079 of the Revised Code, all	573
of the following information:	574
(a) An indication of what blended learning model or models	575
will be used;	576
(b) A description of how student instructional needs will	577
be determined and documented;	578
(c) The method to be used for determining competency,	579
granting credit, and promoting students to a higher grade level;	580
(d) The school's attendance requirements, including how	581
the school will document participation in learning	582
opportunities;	583
(e) A statement describing how student progress will be	584
monitored;	585
(f) A statement describing how private student data will	586
be protected;	587
(g) A description of the professional development	588
activities that will be offered to teachers.	589
(30) A provision requiring that all moneys the school's	590
operator loans to the school, including facilities loans or cash	591
flow assistance, must be accounted for, documented, and bear	592
interest at a fair market rate;	593

. B. No.
I_134_1375-2

(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. 594
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(32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence. 599
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(33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. 604
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(B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 607
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609

(1) The process by which the governing authority of the school will be selected in the future; 610
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(2) The management and administration of the school; 612

(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; 613
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(4) The instructional program and educational philosophy of the school; 618
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(5) Internal financial controls. 620

When submitting the plan under this division, the school 621

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 653
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(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 660
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(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 663
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(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the 674
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operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

B. No.
134_1375-2

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Brett, Kristen
Sent: Friday, May 14, 2021 11:04 AM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add rep zeltwanger.

Kristen

Sent from my iPhone

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<image002.jpg>

Representatives Don Jones & Adam Bird

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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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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.

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<image007.png>

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Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66



From: Margaret Camma
Sent: Friday, May 14, 2021 11:06 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Rep. Riedel will co-sponsor.

Margaret Camma
Legislative Aide to State Representative Craig S. Riedel
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Office Phone: 614-644-5091
Office email: rep82@ohiohouse.gov

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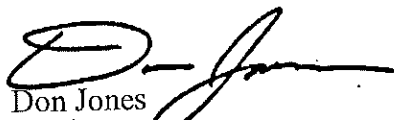
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To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Hi AJ,

Can you add Rep. Cutrona as a co-sponsor for this?

Thanks,

Zen Taylor

Legislative Aide | State Representative AJ Cutrona
Ohio House of Representatives – District 59 | 77 S. High Street Columbus, Ohio 43215
p. 614.466.6107 | Zen.Taylor@ohiohouse.gov

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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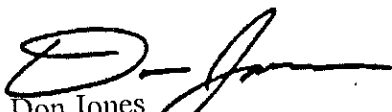
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House District 95


Adam Bird
State Representative
House District 66

From: Hall, Thomas

Sent: Friday, May 14, 2021 11:55 AM

To: Thomas, AJ

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

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Sent: Friday, May 14, 2021 12:10 PM
To: Taylor, Zen
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

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Thanks,

Zen Taylor
Legislative Aide | State Representative AJ Cutrona
Ohio House of Representatives – District 59 | 77 S. High Street Columbus, Ohio 43215
p. 614.466.6107 | Zen.Taylor@ohiohouse.gov

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To: Thomas, AJ
CC: Kennedy, James
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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To: Merrin, Derek
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Attachments: 1_134_1375-2.pdf

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MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021

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

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;

(6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;

(8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;

(9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

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

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

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

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

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Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

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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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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

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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 (B) (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

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time, place, path, or pace of learning. 222

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 223
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(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 226
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Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs. 232
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It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives. 239
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(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following: 244
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(1) Student work for, affiliation with, or service learning in association with any organization engaged in 249
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<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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;</u>	279
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<u>(5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;</u>	281
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<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>	283
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<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>	286
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<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>	289
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<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>	292
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<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	295
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<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>	298
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<u>(C) 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</u>	303
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practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(2) The education program of the school, including the 335
school's mission, the characteristics of the students the school 336
is expected to attract, the ages and grades of students, and the 337
focus of the curriculum; 338

(3) The academic goals to be achieved and the method of 339
measurement that will be used to determine progress toward those 340
goals, which shall include the statewide achievement 341
assessments; 342

(4) Performance standards, including but not limited to 343
all applicable report card measures set forth in section 3302.03 344
or 3314.017 of the Revised Code, by which the success of the 345
school will be evaluated by the sponsor; 346

(5) The admission standards of section 3314.06 of the 347
Revised Code and, if applicable, section 3314.061 of the Revised 348
Code; 349

(6) (a) Dismissal procedures; 350

(b) A requirement that the governing authority adopt an 351
attendance policy that includes a procedure for automatically 352
withdrawing a student from the school if the student without a 353
legitimate excuse fails to participate in seventy-two 354
consecutive hours of the learning opportunities offered to the 355
student. 356

(7) The ways by which the school will achieve racial and 357
ethnic balance reflective of the community it serves; 358

(8) Requirements for financial audits by the auditor of 359
state. The contract shall require financial records of the 360
school to be maintained in the same manner as are financial 361
records of school districts, pursuant to rules of the auditor of 362
state. Audits shall be conducted in accordance with section 363

117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365
(a) A detailed description of each facility used for instructional purposes;	366
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	367
(c) The annual mortgage principal and interest payments that are paid by the school;	368
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	369
(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.	370
(11) That the school will comply with the following requirements:	371
(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.	372
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	373
(c) The school will be nonsectarian in its programs,	374

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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. 480
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- (14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract; 484
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 486
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 489
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 493
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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; 504
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside 507
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outside the district in which the school is located. That policy 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

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records shall be made available to the department of education,	566
auditor of state, and school's sponsor to the extent permitted	567
under and in accordance with the "Family Educational Rights and	568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	569
and any regulations promulgated under that act, and section	570
3319.321 of the Revised Code;	571
(29) If a school operates using the blended learning	572
model, as defined in section 3301.079 of the Revised Code, all	573
of the following information:	574
(a) An indication of what blended learning model or models	575
will be used;	576
(b) A description of how student instructional needs will	577
be determined and documented;	578
(c) The method to be used for determining competency,	579
granting credit, and promoting students to a higher grade level;	580
(d) The school's attendance requirements, including how	581
the school will document participation in learning	582
opportunities;	583
(e) A statement describing how student progress will be	584
monitored;	585
(f) A statement describing how private student data will	586
be protected;	587
(g) A description of the professional development	588
activities that will be offered to teachers.	589
(30) A provision requiring that all moneys the school's	590
operator loans to the school, including facilities loans or cash	591
flow assistance, must be accounted for, documented, and bear	592
interest at a fair market rate;	593

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- (31) A provision requiring that, if the governing authority contracts with an attorney, accountant, or entity specializing in audits, the attorney, accountant, or entity shall be independent from the operator with which the school has contracted. 594
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- (32) A provision requiring the governing authority to adopt an enrollment and attendance policy that requires a student's parent to notify the community school in which the student is enrolled when there is a change in the location of the parent's or student's primary residence. 599
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- (33) A provision requiring the governing authority to adopt a student residence and address verification policy for students enrolling in or attending the school. 604
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606
- (B) The community school shall also submit to the sponsor a comprehensive plan for the school. The plan shall specify the following: 607
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609
- (1) The process by which the governing authority of the school will be selected in the future; 610
611
- (2) The management and administration of the school; 612
613
- (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; 614
615
616
617
- (4) The instructional program and educational philosophy of the school; 618
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- (5) Internal financial controls. 620
621
- When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

. B. No.
I_134_1375-2

in complying with laws applicable to the school and terms of the contract; 651
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(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

. B. No.
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operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

. B. No.
I_134_1375-2

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Thomas, AJ
Sent: Friday, May 14, 2021 1:31 PM
To: 'Stanley Kurtz'
Subject: RE: Checking In on Bill

Stanley, no problem! One thing I wanted to get to you before I get caught up with something else- one of our representatives saw that in your article on NAS website what is your subsection (e) in sec. 7 state's "an individual's moral standing or worth is necessarily determined by the individual's race or sex" missing what is a very key "not." Just wanted to pass that note along. Thanks!

AJ

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

From: Stanley Kurtz <skurtz.1@starpower.net>
Sent: Friday, May 14, 2021 7:00 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Checking In on Bill

Dear AJ,

I just wanted to let you know that I haven't forgotten about the second bill draft. I was hoping to review it yesterday but several battles turned up that I had to deal with. I hope to get back to you on the second draft by this afternoon.

Stanley

From: Stanley Kurtz
Sent: Friday, May 14, 2021 1:34 PM
To: Thomas, AJ
Subject: Re: Checking In on Bill

Actually, that may be ok. Will check, but note that those are prohibited concepts.

Stanley

Sent from my iPad

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From: Stanley Kurtz
Sent: Friday, May 14, 2021 1:38 PM
To: Thomas, AJ
Subject: Re: Checking In on Bill

Absolutely. That's why it's important to check over the new draft, which I hope to do late afternoon or early evening today. Thanks!

Sent from my iPad

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From: Thomas, AJ
Sent: Friday, May 14, 2021 1:50 PM
To: Austin, Bryanna
Subject: FW: Delivery from LSC - L_134_0504-1
Attachments: l_134_0504-1.pdf

Substitute Bill for HB 82 attached. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Thursday, May 13, 2021 4:18 PM
Subject: Delivery from LSC - L_134_0504-1

Please see the attached document(s), with respect to the bill, L-134-0504-1, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Allison Schoeppner, allison.schoeppner@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

Reviewed As To Form By
Legislative Service Commission

I_134_0504-1

134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 82

A BILL

To amend section 3301.0712 of the Revised Code to
permit parents or guardians of a high school
student to opt the student out of taking a
nationally standardized college admissions
assessment.

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

Section 1. That section 3301.0712 of the Revised Code be
amended to read as follows:

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Sec. 3301.0712. (A) The state board of education, the
superintendent of public instruction, and the chancellor of
higher education shall develop a system of college and work
ready assessments as described in division (B) of this section
to assess whether each student upon graduating from high school
is ready to enter college or the workforce. Beginning with
students who enter the ninth grade for the first time on or
after July 1, 2014, the system shall replace the Ohio graduation
tests prescribed in division (B) (1) of section 3301.0710 of the
Revised Code as a measure of student academic performance and
one determinant of eligibility for a high school diploma in the

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manner prescribed by rule of the state board adopted under 19
division (D) of this section. 20

(B) The college and work ready assessment system shall 21
consist of the following: 22

(1) ~~Nationally~~ (a) Except as provided in division (B) (1) 23
(b) of this section, nationally standardized assessments that 24
measure college and career readiness and are used for college 25
admission. The assessments shall be selected jointly by the 26
state superintendent and the chancellor, and one of which shall 27
be selected by each school district or school to administer to 28
its students. The assessments prescribed under division (B) (1) 29
of this section shall be administered to all eleventh-grade 30
students in the spring of the school year. 31

(b) Beginning with students who enter the ninth grade for 32
the first time on or after the first day of July immediately 33
following the effective date of this amendment, the parent or 34
guardian of a student may elect not to have a nationally 35
standardized assessment administered to that student. In that 36
event, the student's school district or school shall not 37
administer the nationally standardized assessment to that 38
student. 39

(2) (a) Except as provided in division (B) (2) (b) of this 40
section, seven end-of-course examinations, one in each of the 41
areas of English language arts I, English language arts II, 42
science, Algebra I, geometry, American history, and American 43
government. The end-of-course examinations shall be selected 44
jointly by the state superintendent and the chancellor in 45
consultation with faculty in the appropriate subject areas at 46
institutions of higher education of the university system of 47
Ohio. Advanced placement examinations and international 48

baccalaureate examinations, as prescribed under section 49
3313.6013 of the Revised Code, in the areas of science, American 50
history, and American government may be used as end-of-course 51
examinations in accordance with division (B) (4) (a) (i) of this 52
section. Final course grades for courses taken under any other 53
advanced standing program, as prescribed under section 3313.6013 54
of the Revised Code, in the areas of science, American history, 55
and American government may be used in lieu of end-of-course 56
examinations in accordance with division (B) (4) (a) (ii) of this 57
section. 58

(b) Beginning with students who enter ninth grade for the 59
first time on or after July 1, 2019, five end-of-course 60
examinations, one in each areas of English language arts II, 61
science, Algebra I, American history, and American government. 62
However, only the end-of-course examinations in English language 63
arts II and Algebra I shall be required for graduation. 64

The department of education shall, as necessary to 65
implement division (B) (2) (b) of this section, seek a waiver from 66
the United States secretary of education for testing 67
requirements prescribed under federal law to allow for the use 68
and implementation of Algebra I as the primary assessment of 69
high school mathematics. If the department does not receive a 70
waiver under this division, the end-of-course examinations for 71
students described in division (B) (2) (b) of this section also 72
shall include an end-of-course examination in the area of 73
geometry. However, the geometry end-of-course examination shall 74
not be required for graduation. 75

(3) (a) Not later than July 1, 2013, each school district 76
board of education shall adopt interim end-of-course 77
examinations that comply with the requirements of divisions (B) 78

(3) (b) (i) and (ii) of this section to assess mastery of American history and American government standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code. Each high school of the district shall use the interim examinations until the state superintendent and chancellor select end-of-course examinations in American history and American government under division (B) (2) of this section.

(b) Not later than July 1, 2014, the state superintendent and the chancellor shall select the end-of-course examinations in American history and American government.

(i) The end-of-course examinations in American history and American government shall require demonstration of mastery of the American history and American government content for social studies standards adopted under division (A) (1) (b) of section 3301.079 of the Revised Code and the topics required under division (M) of section 3313.603 of the Revised Code.

(ii) At least twenty per cent of the end-of-course examination in American government shall address the topics on American history and American government described in division (M) of section 3313.603 of the Revised Code.

(4) (a) Notwithstanding anything to the contrary in this section, beginning with the 2014-2015 school year, both of the following shall apply:

(i) If a student is enrolled in an appropriate advanced placement or international baccalaureate course, that student shall take the advanced placement or international baccalaureate examination in lieu of the science, American history, or American government end-of-course examinations prescribed under

division (B) (2) of this section. The state board shall specify 108
the score levels for each advanced placement examination and 109
international baccalaureate examination for purposes of 110
calculating the minimum cumulative performance score that 111
demonstrates the level of academic achievement necessary to earn 112
a high school diploma. 113

(ii) If a student is enrolled in an appropriate course 114
under any other advanced standing program, as described in 115
section 3313.6013 of the Revised Code, that student shall not be 116
required to take the science, American history, or American 117
government end-of-course examination, whichever is applicable, 118
prescribed under division (B) (2) of this section. Instead, that 119
student's final course grade shall be used in lieu of the 120
applicable end-of-course examination prescribed under that 121
section. The state superintendent, in consultation with the 122
chancellor, shall adopt guidelines for purposes of calculating 123
the corresponding final course grades that demonstrate the level 124
of academic achievement necessary to earn a high school diploma. 125

Division (B) (4) (a) (ii) of this section shall apply only to 126
courses for which students receive transcribed credit, as 127
defined in section 3365.01 of the Revised Code. It shall not 128
apply to remedial or developmental courses. 129

(b) No student shall take a substitute examination or 130
examination prescribed under division (B) (4) (a) of this section 131
in place of the end-of-course examinations in English language 132
arts I, English language arts II, Algebra I, or geometry 133
prescribed under division (B) (2) of this section. 134

(c) The state board shall consider additional assessments 135
that may be used, beginning with the 2016-2017 school year, as 136
substitute examinations in lieu of the end-of-course 137

examinations prescribed under division (B) (2) of this section. 138

(5) The state board shall do all of the following: 139

(a) Determine and designate at least five ranges of scores 140
on each of the end-of-course examinations prescribed under 141
division (B) (2) of this section, and substitute examinations 142
prescribed under division (B) (4) of this section. Not later than 143
sixty days after the designation of ranges of scores, the state 144
superintendent, or the state superintendent's designee, shall 145
conduct a public presentation before the standing committees of 146
the house of representatives and the senate that consider 147
primary and secondary education legislation regarding the 148
designated range of scores. Each range of scores shall be 149
considered to demonstrate a level of achievement so that any 150
student attaining a score within such range has achieved one of 151
the following: 152

(i) An advanced level of skill; 153

(ii) An accelerated level of skill; 154

(iii) A proficient level of skill; 155

(iv) A basic level of skill; 156

(v) A limited level of skill. 157

(b) Determine a method by which to calculate a cumulative 158
performance score based on the results of a student's end-of- 159
course examinations or substitute examinations; 160

(c) Determine the minimum cumulative performance score 161
that demonstrates the level of academic achievement necessary to 162
earn a high school diploma under division (A) (2) of section 163
3313.618 of the Revised Code. However, the state board shall not 164
determine a new minimum cumulative performance score after the 165

effective date of this amendment October 17, 2019.	166
(d) Develop a table of corresponding score equivalents for the end-of-course examinations and substitute examinations in order to calculate student performance consistently across the different examinations.	167 168 169 170
A score of two on an advanced placement examination or a score of two or three on an international baccalaureate examination shall be considered equivalent to a proficient level of skill as specified under division (B) (5) (a) (iii) of this section.	171 172 173 174 175
(6) (a) A student who meets both of the following conditions shall not be required to take an end-of-course examination:	176 177 178
(i) The student received high school credit prior to July 1, 2015, for a course for which the end-of-course examination is prescribed.	179 180 181
(ii) The examination was not available for administration prior to July 1, 2015.	182 183
Receipt of credit for the course described in division (B) (6) (a) (i) of this section shall satisfy the requirement to take the end-of-course examination. A student exempted under division (B) (6) (a) of this section may take the applicable end-of-course examination at a later date.	184 185 186 187 188
(b) For purposes of determining whether a student who is exempt from taking an end-of-course examination under division (B) (6) (a) of this section has attained the cumulative score prescribed by division (B) (5) (c) of this section, such student shall select either of the following:	189 190 191 192 193

Sub. H. B. No. 82
L_134_0504-1

- (i) The student is considered to have attained a
proficient score on the end-of-course examination from which the
student is exempt; 194
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- (ii) The student's final course grade shall be used in
lieu of a score on the end-of-course examination from which the
student is exempt. 197
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- The state superintendent, in consultation with the
chancellor, shall adopt guidelines for purposes of calculating
the corresponding final course grades and the minimum cumulative
performance score that demonstrates the level of academic
achievement necessary to earn a high school diploma. 200
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- (7) (a) Notwithstanding anything to the contrary in this
section, the state board may replace the algebra I end-of-course
examination prescribed under division (B) (2) of this section
with an algebra II end-of-course examination, beginning with the
2016-2017 school year for students who enter ninth grade on or
after July 1, 2016. 205
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- (b) If the state board replaces the algebra I end-of-
course examination with an algebra II end-of-course examination
as authorized under division (B) (7) (a) of this section, both of
the following shall apply: 211
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- (i) A student who is enrolled in an advanced placement or
international baccalaureate course in algebra II shall take the
advanced placement or international baccalaureate examination in
lieu of the algebra II end-of-course examination. 215
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- (ii) A student who is enrolled in an algebra II course
under any other advanced standing program, as described in
section 3313.6013 of the Revised Code, shall not be required to
take the algebra II end-of-course examination. Instead, that 219
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student's final course grade shall be used in lieu of the 223
examination. 224

(c) If a school district or school utilizes an integrated 225
approach to mathematics instruction, the district or school may 226
do either or both of the following: 227

(i) Administer an integrated mathematics I end-of-course 228
examination in lieu of the prescribed algebra I end-of-course 229
examination; 230

(ii) Administer an integrated mathematics II end-of-course 231
examination in lieu of the prescribed geometry end-of-course 232
examination. 233

(8) (a) For students entering the ninth grade for the first 234
time on or after July 1, 2014, but prior to July 1, 2015, the 235
assessment in the area of science shall be physical science or 236
biology. For students entering the ninth grade for the first 237
time on or after July 1, 2015, the assessment in the area of 238
science shall be biology. 239

(b) Until July 1, 2019, the department shall make 240
available the end-of-course examination in physical science for 241
students who entered the ninth grade for the first time on or 242
after July 1, 2014, but prior to July 1, 2015, and who wish to 243
retake the examination. 244

(c) Not later than July 1, 2016, the state board shall 245
adopt rules prescribing the requirements for the end-of-course 246
examination in science for students who entered the ninth grade 247
for the first time on or after July 1, 2014, but prior to July 248
1, 2015, and who have not met the requirement prescribed by 249
section 3313.618 of the Revised Code by July 1, 2019, due to a 250
student's failure to satisfy division (A) (2) of section 3313.618 251

of the Revised Code.	252
(9) Neither the state board nor the department of education shall develop or administer an end-of-course examination in the area of world history.	253 254 255
(10) Not later than March 1, 2020, the department, in consultation with the chancellor and the governor's office of workforce transformation, shall determine a competency score for both of the Algebra I and English language arts II end-of-course examinations for the purpose of graduation eligibility.	256 257 258 259 260
(C) The state board shall convene a group of national experts, state experts, and local practitioners to provide advice, guidance, and recommendations for the alignment of standards and model curricula to the assessments and in the design of the end-of-course examinations prescribed by this section.	261 262 263 264 265 266
(D) Upon completion of the development of the assessment system, the state board shall adopt rules prescribing all of the following:	267 268 269
(1) A timeline and plan for implementation of the assessment system, including a phased implementation if the state board determines such a phase-in is warranted;	270 271 272
(2) The date after which a person shall meet the requirements of the entire assessment system as a prerequisite for a diploma of adult education under section 3313.611 of the Revised Code;	273 274 275 276
(3) Whether and the extent to which a person may be excused from an American history end-of-course examination and an American government end-of-course examination under division (H) of section 3313.61 and division (B) (3) of section 3313.612	277 278 279 280

of the Revised Code; 281

(4) The date after which a person who has fulfilled the 282
curriculum requirement for a diploma but has not passed one or 283
more of the required assessments at the time the person 284
fulfilled the curriculum requirement shall meet the requirements 285
of the entire assessment system as a prerequisite for a high 286
school diploma under division (B) of section 3313.614 of the 287
Revised Code; 288

(5) The extent to which the assessment system applies to 289
students enrolled in a dropout recovery and prevention program 290
for purposes of division (F) of section 3313.603 and section 291
3314.36 of the Revised Code. 292

(E) Not later than forty-five days prior to the state 293
board's adoption of a resolution directing the department to 294
file the rules prescribed by division (D) of this section in 295
final form under section 119.04 of the Revised Code, the 296
superintendent of public instruction shall present the 297
assessment system developed under this section to the respective 298
committees of the house of representatives and senate that 299
consider education legislation. 300

(F) (1) Any person enrolled in a nonchartered nonpublic 301
school or any person who has been excused from attendance at 302
school for the purpose of home instruction under section 3321.04 303
of the Revised Code may choose to participate in the system of 304
assessments administered under divisions (B) (1) and (2) of this 305
section. However, no such person shall be required to 306
participate in the system of assessments. 307

(2) The department shall adopt rules for the 308
administration and scoring of any assessments under division (F) 309

(1) of this section.

(G) Not later than December 31, 2014, the state board shall select at least one nationally recognized job skills assessment. Each school district shall administer that assessment to those students who opt to take it. The state shall reimburse a school district for the costs of administering that assessment. The state board shall establish the minimum score a student must attain on the job skills assessment in order to demonstrate a student's workforce readiness and employability. The administration of the job skills assessment to a student under this division shall not exempt a school district from administering the assessments prescribed in division (B) of this section to that student.

Section 2. That existing section 3301.0712 of the Revised Code is hereby repealed.

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From: Vasiliades, Jessica
Sent: Friday, May 14, 2021 4:27 PM
To: Thomas, AJ
Subject: Co-sponsor Request

Aj,

Please add Representative Gross as a co-sponsor to Prohibiting Critical Race Theory, Action Civic in Schools.

Warm regards,



Jessica Vasiliades
Legislative Aide to Representative Jennifer Gross
Ohio House of Representatives
77 South High Street, Floor 13
Columbus, OH 43215
614-466-8550
Rep52@ohiohouse.gov

From: Thomas, AJ
Sent: Friday, May 14, 2021 4:43 PM
To: Vasiliades, Jessica
Subject: RE: Co-sponsor Request

Got itthanks!

From: Vasiliades, Jessica <Jessica.Vasiliades@ohiohouse.gov>
Sent: Friday, May 14, 2021 4:27 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Co-sponsor Request

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From: Edwards, Jay
Sent: Friday, May 14, 2021 4:48 PM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Cosponsor

Jay Edwards
(740) 707-9099

Sent from my iPhone

On May 14, 2021, at 10:15 AM, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

<image002.jpg>

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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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;
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- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

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

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

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

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

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Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

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Sent: Friday, May 14, 2021 4:48 PM
To: Edwards, Jay
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Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Rep76

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

To: House_All

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

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

Fellow Representatives,

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

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

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

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

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

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

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

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

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Stoltzfus, Reggie
Sent: Friday, May 14, 2021 10:07 PM
To: Thomas, AJ; Coyle, Nick
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add my name.

-Reggie Stoltzfus

On May 14, 2021, at 10:15 AM, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

<image002.jpg>

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Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Monday, May 17, 2021 8:37 AM
To: Stoltzfus, Reggie
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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From: Stoltzfus, Reggie <Reggie.Stoltzfus@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:07 PM
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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 or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

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

<image007.png>

<image008.png>

Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

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

Good morning,

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

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

Woke Racism in school: Brainwashing the children

May 4, 2021

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

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

Speakers

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

Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

Outline

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

What is Critical Race Theory?

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

What is Critical Race Theory?

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



What is the 1619 Project?

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

What is the 1619 Project?

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

IMPORTANT to learn more about

the American Mind

From the Editors

Salvos

Memos

Features

Podcast

Media



What is Action Civics?

“Action Civics” Replaces Citizenship with Partisanship

Stanley Kurtz

National Association of Scholars report:

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



State lawmakers must protect education from activism.

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

CRT in practice

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

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

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

CRT in practice

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

CRT in practice

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

CRT in practice

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

Yoak also works on those issues through OCTM, whose two main goals right now are to support math teachers and 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.

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

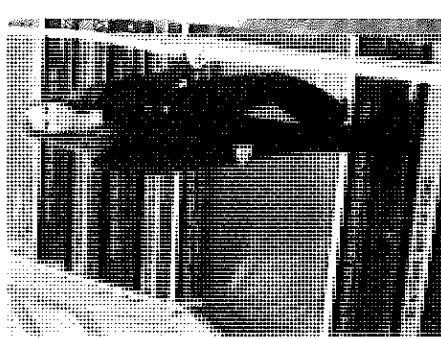
Krista S. Kano, Akron Beacon Journal
Published 11:47 AM EDT Apr 28, 2021

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

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

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



An executive director of the Ohio Council of Teachers of Mathematics, Kim Yoak works to instill confidence in both teachers and students with the goal of democratizing the

CRT in practice

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



CRT in practice

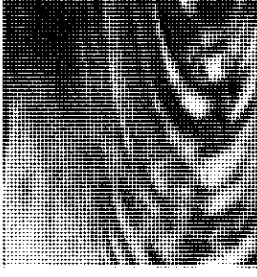
- Educational? Community Conference

Be the Ripple: YOU are the Change Agent in Education

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

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

<https://www.kent.edu/subsites/education.com/yourfuture/2021/05/04/2021-education-community-conference/>



Highlights
are speaker's.

Invitation was
received
to attend
this event.

Conference Sessions

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

Timeline at Ohio Board of Education (OBE)

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

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

July 14, 2021 Kohler Racist Equity Resolution approved.

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

August 2021 - No regular OBE meeting

September 2021 - Public testimony

October 2021 - Public testimony

November 2021 - Public testimony

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

OBE Vote Tally on Kohler's Racist Equity Resolution (#20)

July 14, 2020

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

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

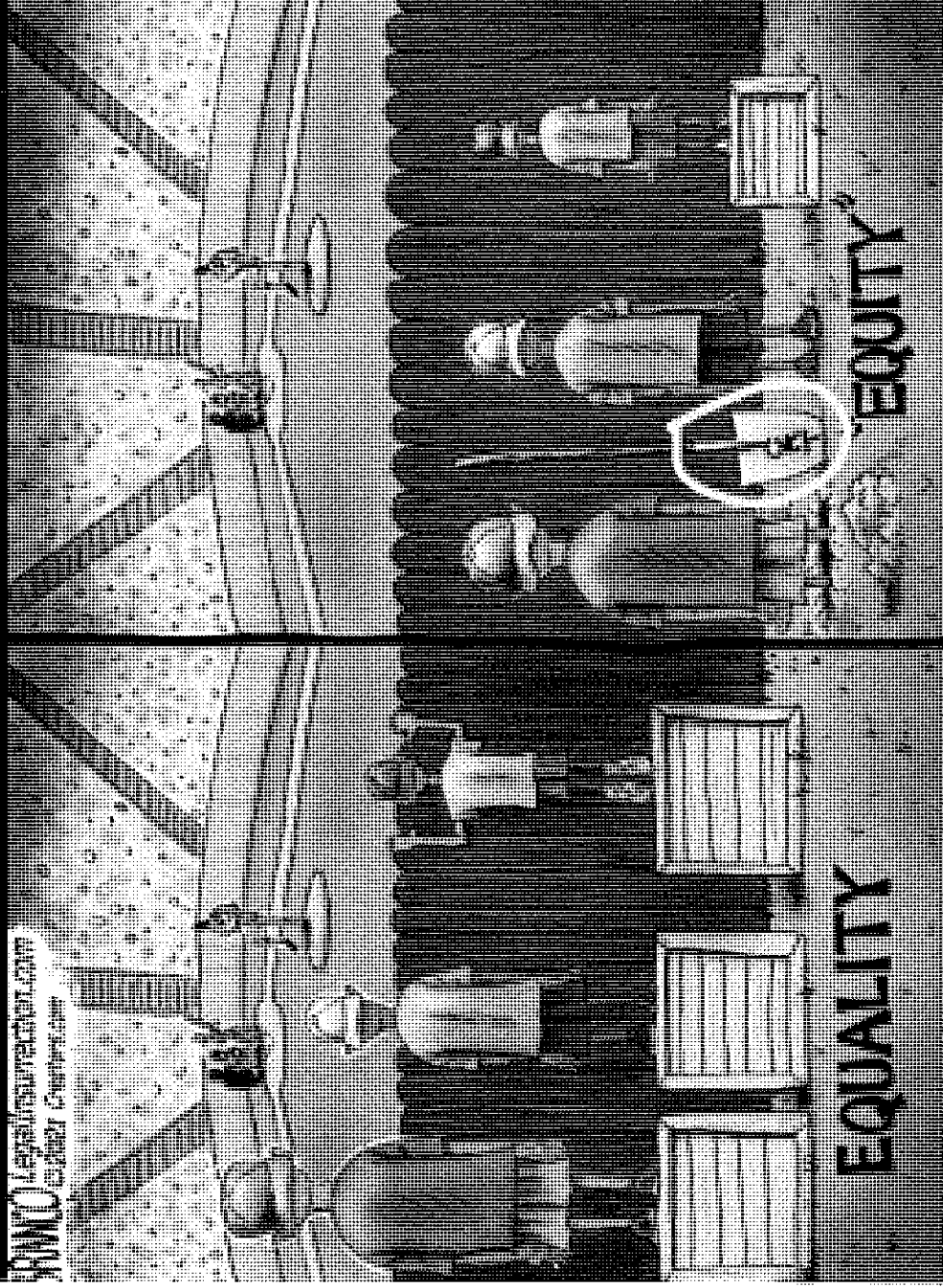
What is in Kohler's Racist Equity Resolution?

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

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

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

Equity Depicted



Equity isn't always equal(ity) 4.26.21

What is in Kohler's Racist Equity Resolution?

Other key resolved clauses:

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

How are OBE members promoting?

- **Kohler & DeMaria at Cleveland City Club forum** (12/20/21 Link: <http://www.ohiochannel.org/programs/program/city-club-of-cleveland-12-4-2020-advancing-racial-equity-in-ohios-schools>)
- **League of Women Voters Part 1 (Kohler, Dodd, Haycock, Johnson)** (2/17/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)
- **League of Women Voters Part 2 (DeMaria & superintendents)** (2/24/21 Link: <https://my.lwv.org/ohio/akron-area/event/real-talk-education>)

How are OBE members promoting?

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

How is ODE implementing?

- **Anti-racist & Allyship Starter Pack Link:** <https://docs.google.com/spreadsheets/d/e/2PACX-1vTkmrhfhYUfCcTbp3NoDmxKZUAN7xMiVuhqIINBizKz-lh7yPPqTPEgYzmd5NgKtEdpVugB6GoZwPWR/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=sACNA1odVA> Part 2 https://www.youtube.com/watch?v=Ld7_g-89FFA
- **Beachwood**
- **Rocky River**

How are local school districts implementing?

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

Others assisting with implementing CRT?

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

The Pulitzer Center seeks to forward diversity, equity, and inclusion through our programs and partnerships. 1) <https://ocss.org>, 2) https://pulitzercenter.org/blog/announcing-1619-project-education-network?fbclid=IwAR10OeHifeVvNjnb8vyFTuuwwqV-CuC1_nXpKgu2KvgydM YUM9ommmFo-55I

Teacher Pipeline

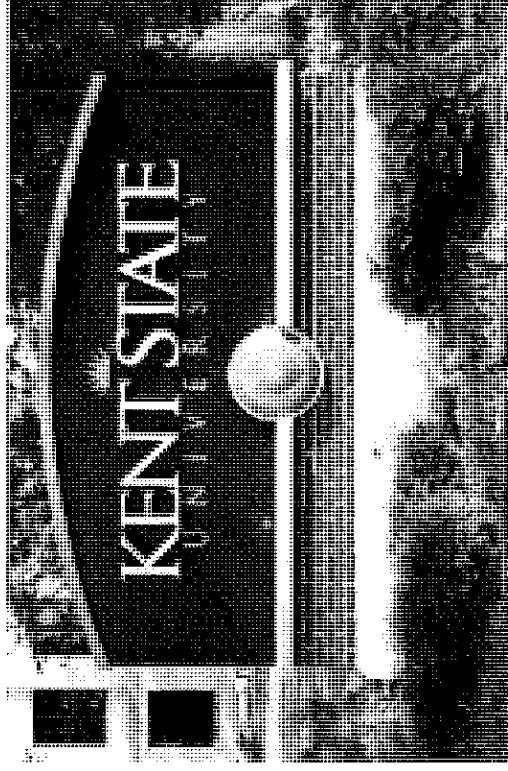
THE COLLEGE FIX

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



THE CORNER

EDUCATION

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

By STANLEY KURTZ | April 23, 2023 8:55 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/>

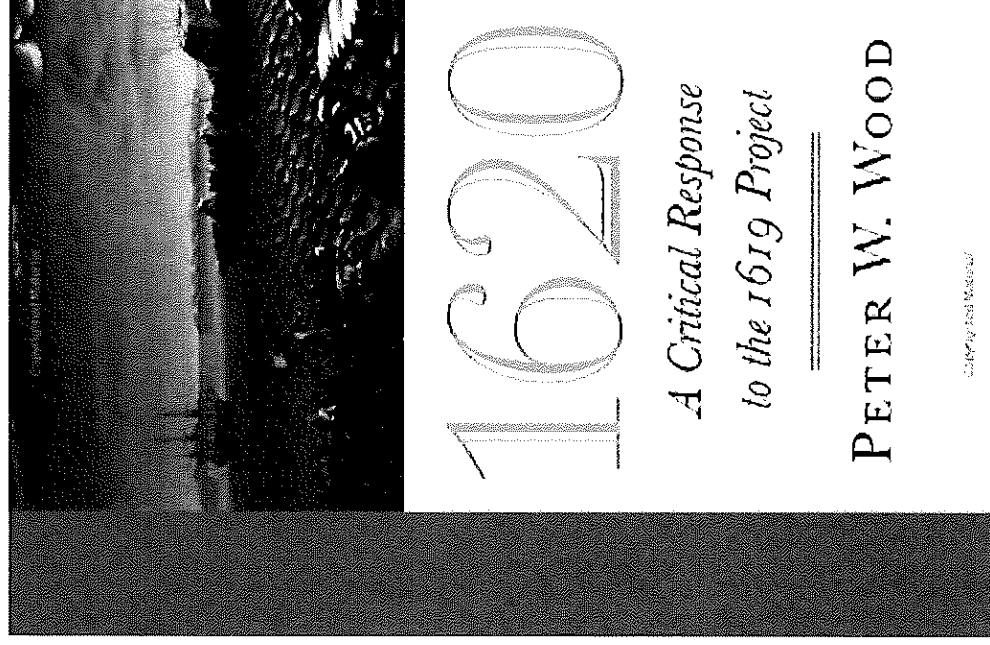
October testimony to OBE: <http://public.education.ohio.gov/StateBoardBooks/2020%20-%20Board%20Books/October-2020/Public%20Participation/>

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)

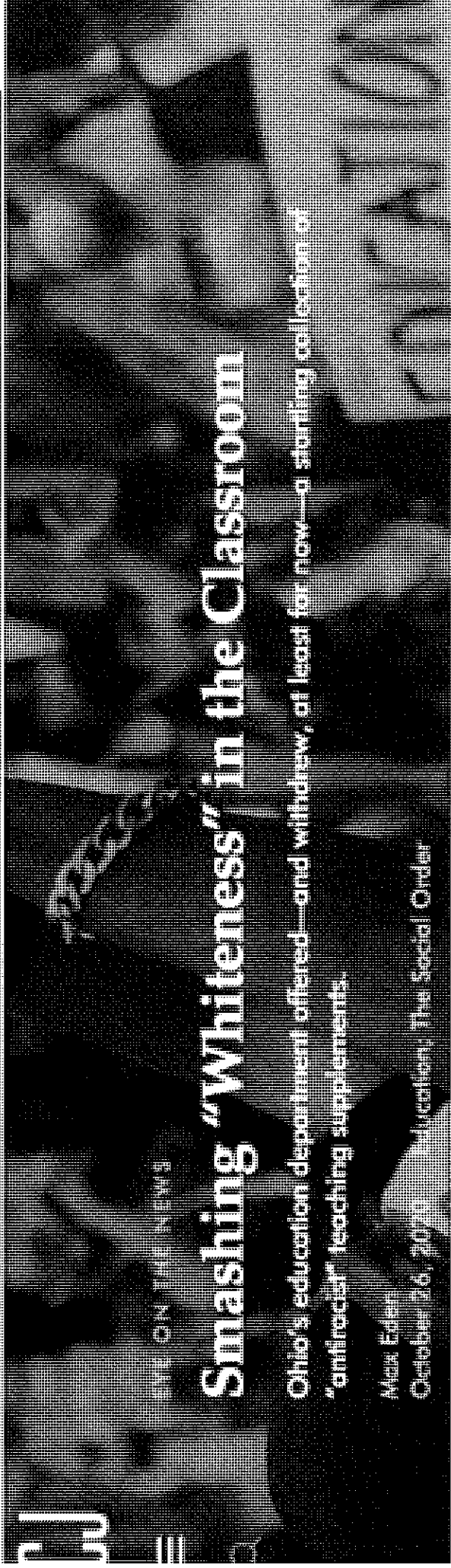
- 1619 Project debunked by Peter Wood's book, 1620



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/](https://stopcriticalracetheory.com/resources/)
- **Common Critical Race Theory Vocabulary - Link:** [https://kirstenhill.com/2021/05/13/common-
vocabulary-of-critical-race-theory/](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**



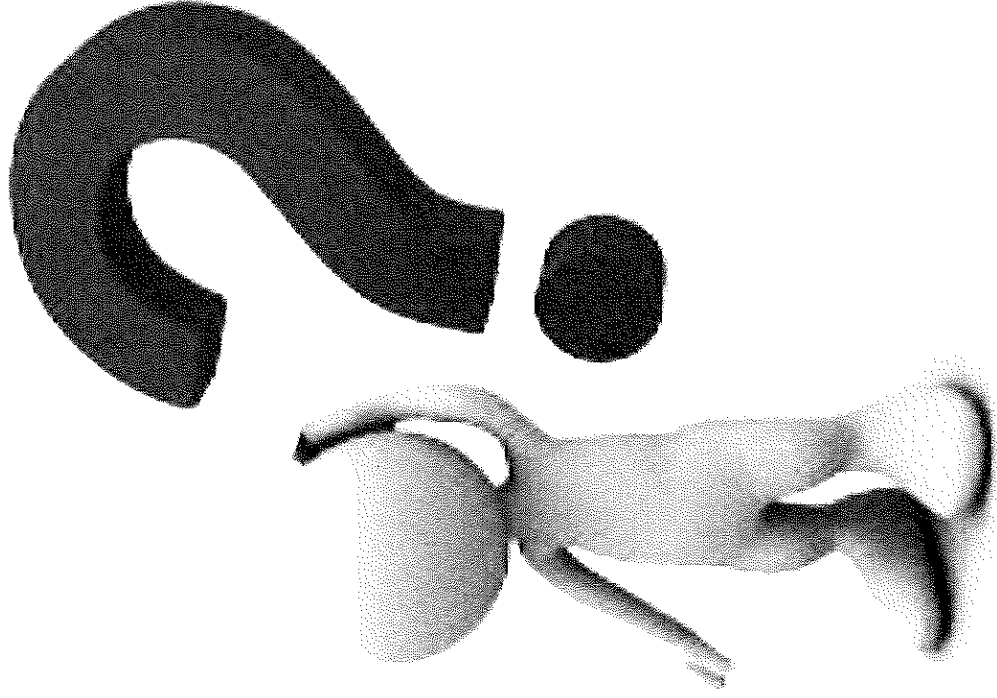
Speaker

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

withlovefrommini@g

mail.com

Questions?



Thank you. Contact us:

Kirsten Hill

kirsten@kirstenhill.com

440-201-2306 (text or call)

Lisa Woods

elwoods@eaglefiremail.com

330-410-6733 (text or call)

From: Stanley Kurtz
Sent: Monday, May 17, 2021 3:16 PM
To: Thomas, AJ
Subject: Re: Version 3 FW: Delivery from LSC - L_134_1375-3

Thanks, AJ. I hope to look at this and get back to you very shortly, barring some unexpected urgent issue.

Stanley

At 02:49 PM 5/17/2021, you wrote:

Version 3 attached. I think with this one we should be good to go. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov> .
Sent: Monday, May 17, 2021 2:45 PM
Subject: Delivery from LSC - L_134_1375-3

Please see the attached document(s), with respect to the bill, L-134-1375-3, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.



From: Thomas, AJ
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam
BCC: GOP_All
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66

From: Stanley Kurtz
Sent: Monday, May 17, 2021 4:17 PM
To: Thomas, AJ
Subject: Civics Version 3 Comments

Dear AJ,

I have been over this and found just one remaining issue. This is likely something I should have caught but instead missed in the earlier versions. It is very small and easily fixed, but could potentially become a problem if not remedied.

1) **Page 10, Lines 264-265:** While my model prohibits training in the listed concepts by "state agencies, school districts, **and schools**, the bill draft only forbids training in the barred concepts by state agencies and school districts. The word "schools" is left out.

I don't know if this is intentional, because no school is allowed to train without permission of the school district, or whether this was just an inadvertent omission. Unless you are absolutely certain that individual schools in Ohio could not adopt CRT training, even if the rest of the district did not, then I would definitely suggest that you **add "or school" and cut the "or" between "agency" and "school district."** So the revised provision would read:

"(A) No state agency, school district, **or school** shall teach, instruct..."

Other than that, I think we're set. I'm sure that this change can be made without my having to check it. Feel free to send a revised copy of the bill or a link to the posted version once it is filed, however. Between now and then we can discuss the timing of my announcement of the bill and whether Rep. Jones has any statement he wants to release along with the bill when filed.

Thanks so much for moving forward with this!

Stanley

At 02:49 PM 5/17/2021, you wrote:

Version 3 attached. I think with this one we should be good to go. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Monday, May 17, 2021 2:45 PM
Subject: Delivery from LSC - L_134_1375-3

Please see the attached document(s), with respect to the bill, L-134-1375-3, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

From: Carruthers, Sara
Sent: Monday, May 17, 2021 7:51 PM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add my name. Sara Carruthers

Sent from my iPhone

On May 17, 2021, at 3:34 PM, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

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

<image002.jpg>

Representatives Don Jones & Adam Bird

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To: Thomas, AJ; Reed, Bob
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add me to this legislation.

Make it a great day!

Dick Stein

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

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

<image003.png>

<image004.png>

Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Tuesday, May 18, 2021 8:28 AM
To: Carruthers, Sara
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it. Thanks, Representative!

From: Carruthers, Sara <Sara.Carruthers@ohiohouse.gov>
Sent: Monday, May 17, 2021 7:51 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add my name. Sara Carruthers

Sent from my iPhone

On May 17, 2021, at 3:34 PM, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

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

<image002.jpg>

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

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

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

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

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

<image003.png>

<image004.png>

Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Monday, May 17, 2021 2:50 PM
To: 'Stanley Kurtz'
Subject: Version 3 FW: Delivery from LSC - L_134_1375-3
Attachments: l_134_1375-3.pdf

Version 3 attached. I think with this one we should be good to go. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Monday, May 17, 2021 2:45 PM
Subject: Delivery from LSC - L_134_1375-3

Please see the attached document(s), with respect to the bill, L-134-1375-3, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

I_134_1375-3

134th General Assembly
Regular Session
2021-2022

. B. No.

A BILL

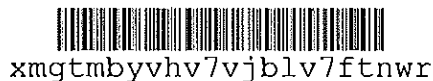
To amend sections 3301.079, 3314.03, and 3326.11 1
and to enact sections 3313.6027, 3313.6028, and 2
3313.6029 of the Revised Code regarding the 3
teaching of certain current events and certain 4
concepts regarding race and sex in public 5
schools. 6

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 or school district</u>	264
<u>shall teach, instruct, or train any administrator, teacher,</u>	265
<u>staff, member, or employee to adopt or believe any of the</u>	266
<u>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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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;	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
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3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Hines, Aubyn
Sent: Tuesday, May 18, 2021 9:31 AM
To: Thomas, AJ
CC: Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Good Morning,

Representative Dean would like to be added as a co-sponsor.

Thank you,

Aubyn Hines

Legislative Aide
State Representative Bill Dean
74th Ohio House District
Aubyn.Hines@ohiohouse.gov

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird

Date: May 14th, 2021

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

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;

(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;

(8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;

(9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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


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


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

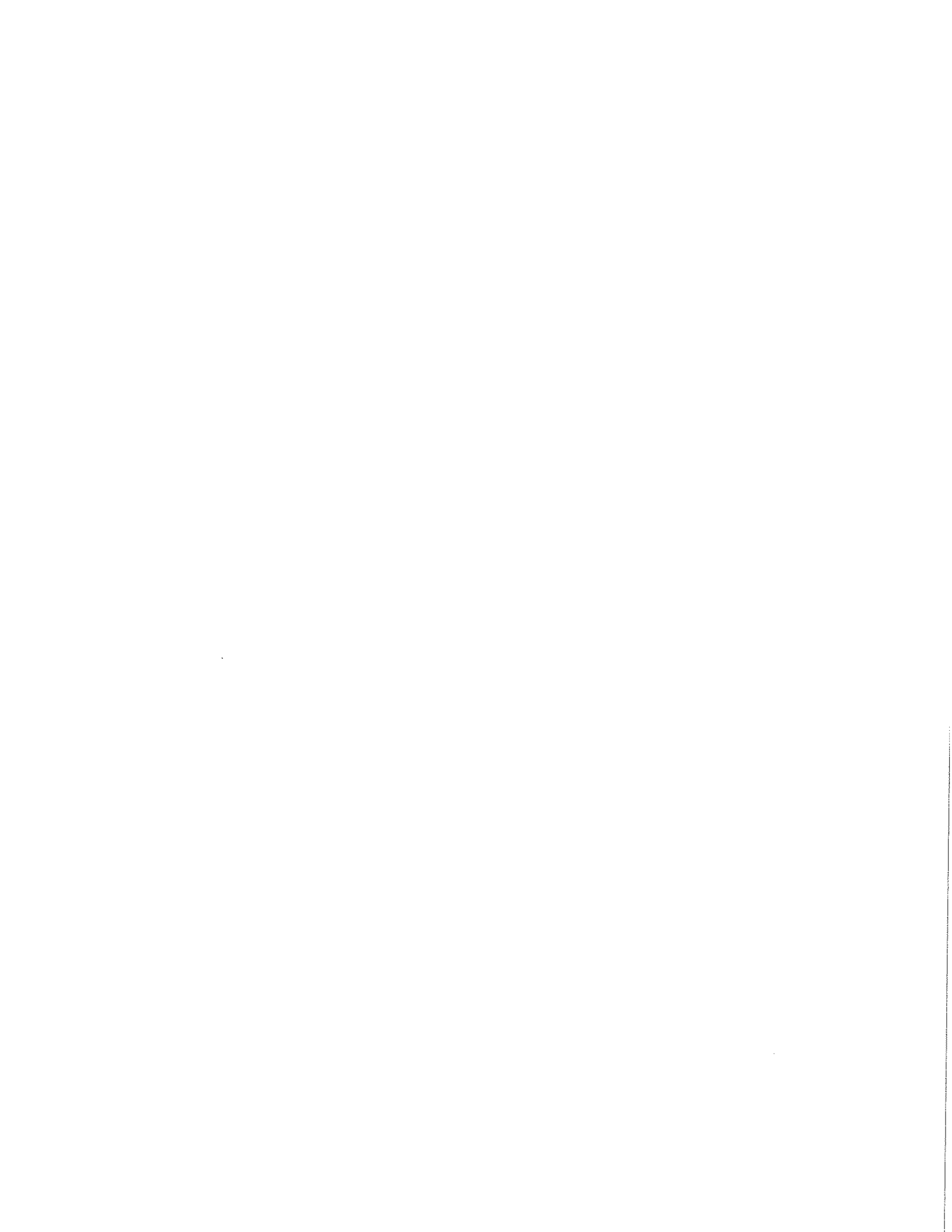
If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

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

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66





From: Thomas, AJ
Sent: Tuesday, May 18, 2021 9:46 AM
To: Hines, Aubyn
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it thanks!

From: Hines, Aubyn <Aubyn.Hines@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 9:31 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Cc: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
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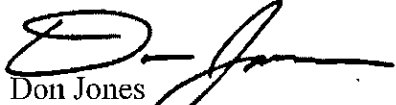
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The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95



Adam Bird
State Representative
House District 66

From: Stanley Kurtz
Sent: Tuesday, May 18, 2021 11:57 AM
To: Thomas, AJ
Subject: RE: Civics Version 3 Comments

Dear AJ,

That is all great news. Unless you suggest a delay, I will try to write about the bill next week, after it's been filed. The headline will be something like, "Don Jones Moves to Block Action Civics and CRT in Ohio."

I have a bunch of other stuff to write and consults coming in from many states. If I'm a bit delayed on that piece, that will be why. But there's a good chance I'll be able to put something out the week following the filing of the bill.

If Rep. Jones issues a statement along with the bill, please send. Regardless, I will be able to fill out the piece by commenting on the battle over these issues nationally and in the states at the time of publication.

Thanks again to you and to Rep. Jones for moving forward on this issue.

Stanley

At 11:49 AM 5/18/2021, you wrote:

Stanley, I've submitted this and should get it back today.

Just an update on where we are procedurally:

We have a joint sponsor who will be named on the bill with us, Rep. Adam Bird. He's a good guy who ran the gamut in education as a teacher, principal, and superintendent, which will add some good credibility to the bill.

We've sent it out for a co-sponsor request and have been getting good responses.

Our intent is to file the bill with our Clerk on Thursday morning. We have a session that afternoon, so it will have an official bill number and be publicly available Thursday afternoon.

From: Stanley Kurtz <skurtz.1@starpower.net>
Sent: Monday, May 17, 2021 4:17 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Civics Version 3 Comments

Dear AJ,

I have been over this and found just one remaining issue. This is likely something I should have caught but instead missed in the earlier versions. It is very small and easily fixed, but could potentially become a problem if not remedied.

1) **Page 10, Lines 264-265:** While my model prohibits training in the listed concepts by "state agencies, school districts, **and schools**, the bill draft only forbids training in the barred concepts by state agencies and school districts. The word "schools" is left out.

I don't know if this is intentional, because no school is allowed to train without permission of the school district, or whether this was just an inadvertent omission. Unless you are absolutely certain that individual schools in Ohio could not adopt CRT training, even if the rest of the district did not, then I would definitely suggest that you **add "or school" and cut the "or" between "agency" and "school district."** So the revised provision would read:

"(A) No state agency, school district, **or school** shall teach, instruct..."

Other than that, I think we're set. I'm sure that this change can be made without my having to check it. Feel free to send a revised copy of the bill or a link to the posted version once it is filed, however. Between now and then we can discuss the timing of my announcement of the bill and whether Rep. Jones has any statement he wants to release along with the bill when filed.

Thanks so much for moving forward with this!

Stanley

At 02:49 PM 5/17/2021, you wrote:

Version 3 attached. I think with this one we should be good to go. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Monday, May 17, 2021 2:45 PM
Subject: Delivery from LSC - L_134_1375-3

Please see the attached document(s), with respect to the bill, L-134-1375-3, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

From: Thomas, AJ
Sent: Tuesday, May 18, 2021 12:36 PM
To: 'Stanley Kurtz'
Subject: Final Version FW: Delivery from LSC - L_134_1375-4
Attachments: l_134_1375-4.pdf

Stanley, Here's the version with the "or schools" and the version we intend to drop on Thursday.
Thanks!

AJ
AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
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Columbus, Ohio 43215
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From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 18, 2021 12:21 PM
Subject: Delivery from LSC - L_134_1375-4

Please see the attached document(s), with respect to the bill, L-134-1375-4, requested from LSC.

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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



wafsosk78uxz6tsaag7xuz

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 481
responsible for carrying out the provisions of the contract; 482

(15) A financial plan detailing an estimated school budget 483
for each year of the period of the contract and specifying the 484
total estimated per pupil expenditure amount for each such year. 485

(16) Requirements and procedures regarding the disposition 486
of employees of the school in the event the contract is 487
terminated or not renewed pursuant to section 3314.07 of the 488
Revised Code; 489

(17) Whether the school is to be created by converting all 490
or part of an existing public school or educational service 491
center building or is to be a new start-up school, and if it is 492
a converted public school or service center building, 493
specification of any duties or responsibilities of an employer 494
that the board of education or service center governing board 495
that operated the school or building before conversion is 496
delegating to the governing authority of the community school 497
with respect to all or any specified group of employees provided 498
the delegation is not prohibited by a collective bargaining 499
agreement applicable to such employees; 500

(18) Provisions establishing procedures for resolving 501
disputes or differences of opinion between the sponsor and the 502
governing authority of the community school; 503

(19) A provision requiring the governing authority to 504
adopt a policy regarding the admission of students who reside 505
outside the district in which the school is located. That policy 506
shall comply with the admissions procedures specified in 507
sections 3314.06 and 3314.061 of the Revised Code and, at the 508
sole discretion of the authority, shall do one of the following: 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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Thomas, AJ
Sent: Tuesday, May 18, 2021 12:37 PM
To: mimeguire.1020@gmail.com; Jakubowski, Joe
Subject: Final Version FW: Delivery from LSC - L_134_1375-4
Attachments: l_134_1375-4.pdf

Joe & Mike, we've been going back and forth on various changes with LSC. We are now on very solid footing! Attached is the -4 version, which is the version we intend to drop on Thursday. We'll have an official bill number that afternoon barring any odd circumstances. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 18, 2021 12:21 PM
Subject: Delivery from LSC - L_134_1375-4

Please see the attached document(s), with respect to the bill, L-134-1375-4, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Thomas, AJ
Sent: Tuesday, May 18, 2021 12:44 PM
To: Ginter, Tim; Carfagna, Rick
CC: Richwine, Megan; Creech, Sam
Subject: FW: Delivery from LSC - L_134_1375-4
Attachments: l_134_1375-4.pdf

Representatives Ginter & Carfagna, Rep. Jones asked me to send you his & Rep. Bird's bill that they intend to drop on Thursday. Please let me or Rep. Jones know if you have any questions. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 18, 2021 12:21 PM
Subject: Delivery from LSC - L_134_1375-4

Please see the attached document(s), with respect to the bill, L-134-1375-4, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

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 XXXVIII 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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: 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 76th House District
(614)-644-5088
<http://www.ohiohouse.gov/diane-grendell>

From: Stanley Kurtz
Sent: Tuesday, May 18, 2021 12:50 PM
To: Thomas, AJ
Subject: Re: Final Version FW: Delivery from LSC - L_134_1375-4

Thanks, AJ. Let me know when it gets a number and a webpage so that I can link it in my piece. Great to see it moving forward!

Stanley

At 12:35 PM 5/18/2021, you wrote:

Stanley, Here's the version with the ?or schools? and the version we intend to drop on Thursday. Thanks!

AJ
AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 18, 2021 12:21 PM
Subject: Delivery from LSC - L_134_1375-4

Please see the attached document(s), with respect to the bill, L-134-1375-4, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

From: Ginter, Tim
Sent: Tuesday, May 18, 2021 1:02 PM
To: Thomas, AJ
CC: Carfagna, Rick; Richwine, Megan; Creech, Sam
Subject: Re: Delivery from LSC - L_134_1375-4

Thanks AJ. Much appreciated

Tim Ginter
State Representative, Ohio's 5th House District
77 S. High Street | Columbus, Ohio 43215
614-466-8022 | rep05@ohiohouse.gov

Sent from my iPhone

On May 18, 2021, at 12:44 PM, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

Representatives Ginter & Carfagna, Rep. Jones asked me to send you his & Rep. Bird's bill that they intend to drop on Thursday. Please let me or Rep. Jones know if you have any questions. Thanks!

AJ

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<l_134_1375-4.pdf>

From: Richwine, Megan
Sent: Tuesday, May 18, 2021 1:05 PM
To: Thomas, AJ
Subject: RE: Delivery from LSC - L_134_1375-4

Thanks AJ!

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 12:44 PM
To: Ginter, Tim <Tim.Ginter@ohiohouse.gov>; Carfagna, Rick <Rick.Carfagna@ohiohouse.gov>
Cc: Richwine, Megan <Megan.Richwine@ohiohouse.gov>; Creech, Sam <Sam.Creech@ohiohouse.gov>
Subject: FW: Delivery from LSC - L_134_1375-4

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From: Weber, Ben
Sent: Tuesday, May 18, 2021 3:51 PM
To: Thomas, AJ; Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Thanks,

Ben

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

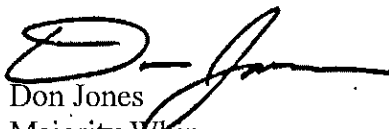
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.


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

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

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

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66



From: Thomas, AJ
Sent: Tuesday, May 18, 2021 5:07 PM
To: Weber, Ben
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it htanks!

From: Weber, Ben <Ben.Weber@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 3:51 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>; Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Thanks,

Ben

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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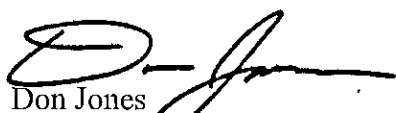
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Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66



From: Hoops, Jim
Sent: Tuesday, May 18, 2021 5:20 PM
To: Thomas, AJ
CC: Tornero, Melina
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

AJ

Put me down as a co-sponsor.

Jim Hoops

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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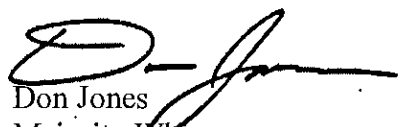
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Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Tuesday, May 18, 2021 10:47 PM
To: Bird, Adam; Headlee, Adam
Subject: Fwd: Delivery from LSC - L_134_1375-4
Attachments: l_134_1375-4.pdf

Representative Bird and Adam, I apologize for the lateness and untimeliness of this, but attached is the -4 version of the CRT bill. I've been going back and forth with LSC with some changes. This has everything cleaned up on our end. 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 level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum.

At no time shall the state board adopt any model curriculum under this section regarding the concepts described in divisions (A) (1) to (11) of section 3313.6028 of the Revised Code.

(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.

(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.

Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.

(C) The state board shall develop achievement assessments aligned with the academic standards and model curriculum for

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
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- (4) Performance standards, including but not limited to all applicable report card measures set forth in section 3302.03 or 3314.017 of the Revised Code, by which the success of the school will be evaluated by the sponsor; 340
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- (5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code; 344
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- (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
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- (7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves; 354
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- (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
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- (9) An addendum to the contract outlining the facilities to be used that contains at least the following information: 362
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(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 481
responsible for carrying out the provisions of the contract; 482

(15) A financial plan detailing an estimated school budget 483
for each year of the period of the contract and specifying the 484
total estimated per pupil expenditure amount for each such year. 485

(16) Requirements and procedures regarding the disposition 486
of employees of the school in the event the contract is 487
terminated or not renewed pursuant to section 3314.07 of the 488
Revised Code; 489

(17) Whether the school is to be created by converting all 490
or part of an existing public school or educational service 491
center building or is to be a new start-up school, and if it is 492
a converted public school or service center building, 493
specification of any duties or responsibilities of an employer 494
that the board of education or service center governing board 495
that operated the school or building before conversion is 496
delegating to the governing authority of the community school 497
with respect to all or any specified group of employees provided 498
the delegation is not prohibited by a collective bargaining 499
agreement applicable to such employees; 500

(18) Provisions establishing procedures for resolving 501
disputes or differences of opinion between the sponsor and the 502
governing authority of the community school; 503

(19) A provision requiring the governing authority to 504
adopt a policy regarding the admission of students who reside 505
outside the district in which the school is located. That policy 506
shall comply with the admissions procedures specified in 507
sections 3314.06 and 3314.061 of the Revised Code and, at the 508
sole discretion of the authority, shall do one of the following: 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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act: 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: Thomas, AJ
Sent: Wednesday, May 19, 2021 8:50 AM
To: Hoops, Jim
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it. Thank you, Representative!

From: Hoops, Jim <Jim.Hoops@ohiohouse.gov>
Sent: Tuesday, May 18, 2021 5:20 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Cc: Tornero, Melina <Melina.Tornero@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

AJ

Put me down as a co-sponsor.

Jim Hoops

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 17, 2021 3:35 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual’s race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual’s moral standing or worth is necessarily determined by the individual’s race or sex;

- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

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

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

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

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

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Wednesday, May 19, 2021 10:54 AM
To: 'Chris Long'; 'mike@pjtn.org'; 'mike@b-simple.com'
Subject: Jones/Bird k-12 CRT Bill
Attachments: l_134_1375-4.pdf

Chris & Mike, please see attached the CRT bill Reps. Jones & Bird will be dropping tomorrow morning. Co-sponsor request is out until 5pm today. Please let me know if you have any questions. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
Cell: 419-203-9813
AJ.Thomas@ohiohouse.gov

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



wafsosk78uxz6tsaag7xuz

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 XXXVIII 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
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- (15) A financial plan detailing an estimated school budget for each year of the period of the contract and specifying the total estimated per pupil expenditure amount for each such year. 483
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 486
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 490
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 501
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following; 504
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	510 511
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	512 513 514
(c) Permit the enrollment of students who reside in any other district in the state.	515 516
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	517 518 519 520
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	521 522 523
(22) A provision recognizing both of the following:	524
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	525 526 527 528
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	529 530 531 532 533 534 535
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	536 537

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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act: 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: Thomas, AJ
Sent: Wednesday, May 19, 2021 11:09 AM
To: 'mikeg@pjtn.org'
Subject: FW: Jones/Bird k-12 CRT Bill
Attachments: l_134_1375-4.pdf

From: Thomas, AJ
Sent: Wednesday, May 19, 2021 10:54 AM
To: 'Chris Long' <chrislong@ohioca.org>; 'mike@pjtn.org' <mike@pjtn.org>; 'mike@b-simple.com' <mike@b-simple.com>
Subject: Jones/Bird k-12 CRT Bill

Chris & Mike, please see attached the CRT bill Reps. Jones & Bird will be dropping tomorrow morning. Co-sponsor request is out until 5pm today. Please let me know if you have any questions. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
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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



wafsosk78uxz6tsaag7xuz

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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

determined by the individual's race or sex; 279

(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; 280
281
282

(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex; 283
284
285

(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; 286
287
288

(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; 289
290
291

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States; 292
293
294

(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. 295
296
297
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299

(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. 300
301
302
303
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305

(C) If a student completes a course that includes any of 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 XXXVIII 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 481
responsible for carrying out the provisions of the contract; 482

(15) A financial plan detailing an estimated school budget 483
for each year of the period of the contract and specifying the 484
total estimated per pupil expenditure amount for each such year. 485

(16) Requirements and procedures regarding the disposition 486
of employees of the school in the event the contract is 487
terminated or not renewed pursuant to section 3314.07 of the 488
Revised Code; 489

(17) Whether the school is to be created by converting all 490
or part of an existing public school or educational service 491
center building or is to be a new start-up school, and if it is 492
a converted public school or service center building, 493
specification of any duties or responsibilities of an employer 494
that the board of education or service center governing board 495
that operated the school or building before conversion is 496
delegating to the governing authority of the community school 497
with respect to all or any specified group of employees provided 498
the delegation is not prohibited by a collective bargaining 499
agreement applicable to such employees; 500

(18) Provisions establishing procedures for resolving 501
disputes or differences of opinion between the sponsor and the 502
governing authority of the community school; 503

(19) A provision requiring the governing authority to 504
adopt a policy regarding the admission of students who reside 505
outside the district in which the school is located. That policy 506
shall comply with the admissions procedures specified in 507
sections 3314.06 and 3314.061 of the Revised Code and, at the 508
sole discretion of the authority, shall do one of the following: 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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Thomas, AJ
Sent: Wednesday, May 19, 2021 11:20 AM
To: Stanley Kurtz
Subject: CRT bill update

Hey Stanley, just FYI we've canceled our session for tomorrow, so the bill will not be formally introduced until sometime Tuesday afternoon. Will send when it is. Thanks! AJ

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From: Stanley Kurtz
Sent: Wednesday, May 19, 2021 11:23 AM
To: Thomas, AJ
Subject: Re: CRT bill update

Thanks for the heads up, AJ. Send me a link to the internet page with the bill once it has been formally filed. That will help prompt me to do a piece announcing it. Thanks again.

Stanley

At 11:19 AM 5/19/2021, you wrote:

Hey Stanley, just FYI we've canceled our session for tomorrow, so the bill will not be formally introduced until sometime Tuesday afternoon. Will send when it is. Thanks! AJ

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From: Thomas, AJ
Sent: Wednesday, May 19, 2021 12:07 PM
To: Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

Many states are on their way to banning this racist indoctrination, and Ohio is in a unique position to do so as well because 10 years ago we passed our Founding Documents curriculum mandating

the Declaration of Independence, Northwest Ordinance, Ohio Constitution, and the U.S. Constitution be taught to all students. CRT flies in the face of all of these freedom-adorned and liberty-loving documents, and thus has no place in our classrooms.

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
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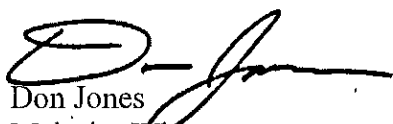
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The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66



From: Everhart, Cortland
Sent: Wednesday, May 19, 2021 12:13 PM
To: Thomas, AJ
CC: Headlee, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add Rep. Cross to this.

Cort

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Wednesday, May 19, 2021 12:07 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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Representatives Don Jones & Adam Bird

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Date: May 14th, 2021
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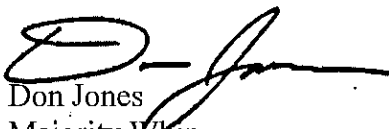
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Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66



From: Thomas, AJ
Sent: Wednesday, May 19, 2021 12:15 PM
To: Everhart, Cortland
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it thanks!

From: Everhart, Cortland <Cortland.Everhart@ohiohouse.gov>
Sent: Wednesday, May 19, 2021 12:13 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Cc: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Ferguson, Ron
Sent: Wednesday, May 19, 2021 12:20 PM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add me

Sent from my iPhone

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<image002.jpg>

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Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Holmes, Adam
Sent: Wednesday, May 19, 2021 12:28 PM
To: Thomas, AJ
CC: Miller, Kyle
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

AJ,

Please add me as a co-sponsor!

Rep

Sent from my iPhone

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From: Baldrige, Brian
Sent: Wednesday, May 19, 2021 12:44 PM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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State Representative
House District 66

From: Thomas, AJ
Sent: Wednesday, May 19, 2021 12:53 PM
To: Baldrige, Brian
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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From: Baldrige, Brian <Brian.Baldrige@ohiohouse.gov>
Sent: Wednesday, May 19, 2021 12:44 PM
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Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Wednesday, May 19, 2021 12:53 PM
To: Ferguson, Ron
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it thank you Representative!

From: Ferguson, Ron <Ron.Ferguson@ohiohouse.gov>
Sent: Wednesday, May 19, 2021 12:20 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Please add me

Sent from my iPhone

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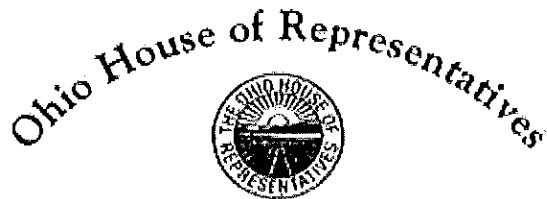
Adam Bird
State Representative
House District 66

From: Kick, Darrell
Sent: Wednesday, May 19, 2021 12:58 PM
To: Thomas, AJ
CC: Rose, Nicholas
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Add Kick

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

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:15:42 AM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



Representatives Don Jones & Adam Bird

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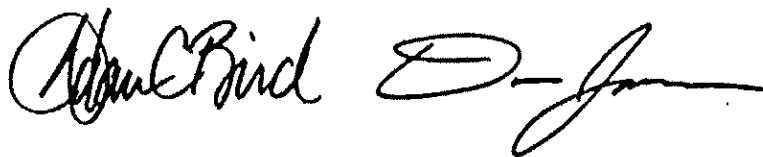
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Adam Bird
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House District 66

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Sent: Wednesday, May 19, 2021 1:13 PM
To: Kick, Darrell
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

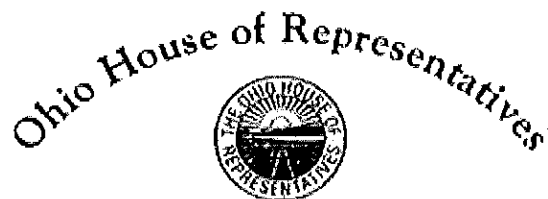
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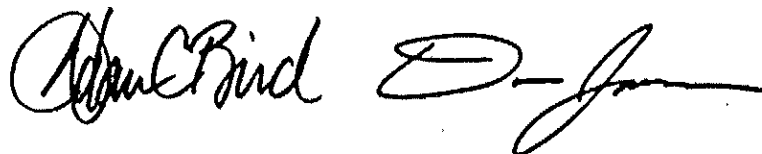
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Adam Bird

Majority Whip
House District 95

State Representative
House District 66

From: Cross, Jon
Sent: Wednesday, May 19, 2021 2:47 PM
To: Thomas, AJ
CC: Headlee, Adam
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

I'll cosponsor - Jon Cross

Sent from my iPhone

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House District 66

From: Bird, Adam

Sent: Wednesday, May 19, 2021 3:25 PM

To: Thomas, AJ; Headlee, Adam; Jones, Don

Subject: AJ: You might check out this resource to see if there are any issues that need to be added

<https://sharylattkisson.com/2021/05/states-move-to-ban-critical-race-theory-in-schools/>



States move to ban Critical Race Theory in schools | Sharyl Attkisson

sharylattkisson.com

From: Thomas, AJ
Sent: Thursday, May 20, 2021 9:01 AM
To: Michael Peppel; 'Aaron.Riggins@ohiosenate.gov'
Subject: CRT Bill
Attachments: l_134_1375-4.pdf

Mike & Aaron, just wanted to pass along the critical race theory bill that Rep Jones will be dropping today. It'll be formally introduced in non-voting this coming Tuesday. Rep. Jones wanted to share with both of your bosses so they have an idea of what we are doing and potentially seeing if someone over there would be interested in a companion bill. Of course this is probably not the final version and we're always open to amendments, etc. Please let me know if you have any questions or need anything else. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

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



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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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Riggins, Aaron
Sent: Thursday, May 20, 2021 9:05 AM
To: Thomas, AJ
Subject: RE: CRT Bill

Thanks, AJ! I'll be sure to share this with Senator Brenner.

Aaron Riggins

Acting Senior Legislative Aide
2021 LSC Fellow
State Senator Andrew Brenner
614-466-8086

From: AJ.Thomas@ohiohouse.gov [mailto:AJ.Thomas@ohiohouse.gov]
Sent: Thursday, May 20, 2021 9:01 AM
To: Peppel, Michael; Riggins, Aaron
Subject: CRT Bill

Mike & Aaron, just wanted to pass along the critical race theory bill that Rep Jones will be dropping today. It'll be formally introduced in non-voting this coming Tuesday. Rep. Jones wanted to share with both of your bosses so they have an idea of what we are doing and potentially seeing if someone over there would be interested in a companion bill. Of course this is probably not the final version and we're always open to amendments, etc. Please let me know if you have any questions or need anything else. Thanks!

AJ

AJ THOMAS

Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

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 level are taught to students, and shall demonstrate vertical articulation and emphasize coherence, focus, and rigor. When any model curriculum has been completed, the state board shall inform all school districts, community schools, and STEM schools of the content of that model curriculum.

At no time shall the state board adopt any model curriculum under this section regarding the concepts described in divisions (A) (1) to (11) of section 3313.6028 of the Revised Code.

(2) Not later than June 30, 2013, the state board, in consultation with any office housed in the governor's office that deals with workforce development, shall adopt model curricula for grades kindergarten through twelve that embed career connection learning strategies into regular classroom instruction.

(3) All school districts, community schools, and STEM schools may utilize the state standards and the model curriculum established by the state board, together with other relevant resources, examples, or models to ensure that students have the opportunity to attain the academic standards. Upon request, the department shall provide technical assistance to any district, community school, or STEM school in implementing the model curriculum.

Nothing in this section requires any school district to utilize all or any part of a model curriculum developed under this section.

(C) The state board shall develop achievement assessments aligned with the academic standards and model curriculum for

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 481
responsible for carrying out the provisions of the contract; 482

(15) A financial plan detailing an estimated school budget 483
for each year of the period of the contract and specifying the 484
total estimated per pupil expenditure amount for each such year. 485

(16) Requirements and procedures regarding the disposition 486
of employees of the school in the event the contract is 487
terminated or not renewed pursuant to section 3314.07 of the 488
Revised Code; 489

(17) Whether the school is to be created by converting all 490
or part of an existing public school or educational service 491
center building or is to be a new start-up school, and if it is 492
a converted public school or service center building, 493
specification of any duties or responsibilities of an employer 494
that the board of education or service center governing board 495
that operated the school or building before conversion is 496
delegating to the governing authority of the community school 497
with respect to all or any specified group of employees provided 498
the delegation is not prohibited by a collective bargaining 499
agreement applicable to such employees; 500

(18) Provisions establishing procedures for resolving 501
disputes or differences of opinion between the sponsor and the 502
governing authority of the community school; 503

(19) A provision requiring the governing authority to 504
adopt a policy regarding the admission of students who reside 505
outside the district in which the school is located. That policy 506
shall comply with the admissions procedures specified in 507
sections 3314.06 and 3314.061 of the Revised Code and, at the 508
sole discretion of the authority, shall do one of the following: 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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Thomas, AJ
Sent: Thursday, May 20, 2021 3:34 PM
To: 'rep.john.ragan@capitol.tn.gov'
Subject: Critical Race theory bill

Hello, we are working on a bill to address CRT in Ohio and would like to invite you or a staff member to participate in a conference call with members from the Ohio House as well as potentially from other states who have addressed CRT to discuss what we in Ohio can do with our potential legislation. This call would be on Wednesday the 26th at 10:30am. Please let me know if you are interested, and we will send info. on the conference call when available. Thank you and have a lovely weekend!

AJ THOMAS

Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov

From: Rep76

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

To: House_All

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

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

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

Fellow Representatives,

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

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

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

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

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

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

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

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

Sincerely,



Diane V. Grendell
State Representative
Ohio House District 76

From: Ingram, Catherine
Sent: Friday, May 21, 2021 12:58 PM
To: Rep76
CC: House_All
Subject: Re: Cosponsor Request - Prohibit state education system and state entities from teaching or advocating divisive concepts based on race, color, nationality, or sex

So we will NOT be teaching true American History? How will freedom of speech and Expansion of the Mind, as has been voted on in our chambers, work?
Thanks for your thinking.
Best Hopes

Sent from my iPhone

On May 21, 2021, at 10:32 AM, Rep76 <Rep76@ohiohouse.gov> wrote:

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

<image001.png>

State Representative Diane V. Grendell, 76th House District

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

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

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

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

Sincerely,

<image002.png>



From: Click, Gary
Sent: Monday, May 24, 2021 6:25 AM
To: Thomas, AJ
CC: Christy, George
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

I believe I already signed on to this. IF not, add me if its not too late.

Gary

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Wednesday, May 19, 2021 12:07 PM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

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

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

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

Specifically this bill will prevent our schools from inculcating:

- (1) One race or sex is inherently superior to another race or sex;
- (2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;
- (3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;
- (4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;
- (5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- (6) An individual, by virtue of the individual's race or sex, bears responsibility for actions committed in the past by other members of the same race or sex;
- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;

(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

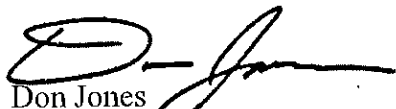
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

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

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

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

Thank you for your consideration,



Don Jones
Majority Whip
House District 95



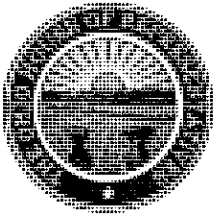
Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Monday, May 24, 2021 10:09 AM
To: Hoynes, Rachel
Subject: CRT draft release
Attachments: CRT Bill Introduction Draft Press Release.docx

Hey Rachel, I wrote up a quick draft of a release for our bill introduction tomorrow and attached it. Please make any needed changes and let me know if you need anything else. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
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OHIO HOUSE OF REPRESENTATIVES

Majority Communications Department

For Immediate Release:

May 25, 2021

Rep. Jones introduces bill to prohibit Critical Race Theory in K-12 Education

COLUMBUS — Today Representative Don Jones (R-Freeport) introduced HB XXX that will prohibit critical race theory and action civics in Ohio's K-12 curriculum.

House Bill XXX will prohibit any state agency, school district, or school from teaching, instructing, or training any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts among others:

- That One race or sex is inherently superior to another race or sex;
- An individual, by virtue of the individual's race or sex, 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 the individual's race
- An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- 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
- The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- 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.

“Critical race theory is a dangerous and flat-out wrong theory. It is designed to look at everything from a ‘race first’ lens, which is the very definition of racism. CRT claiming to fight racism is laughable. Students should not be asked to ‘examine their whiteness’ or ‘check their privilege.’” said Jones. “This anti-American doctrine has no place in Ohio’s schools since 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 documents, which as President Lincoln said are “based on the proposition that all men are created equal. We must protect the integrity of our education system in order to ensure that Ohio’s youth is receiving a top-tier education, which will not be possible if CRT is allowed to be taught in our schools.”

The bill will also prohibit students from being forced to advocate and lobby for specific positions at the local, state or federal level. It also prohibits the State Board of Education from adopting any model curricula based on these concepts. The bill will make it so that any class that does contain any elements of the above concepts does not count towards state graduation requirements.

House Bill XXX now awaits a committee assignment.

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 24th at 9am in the Majority Conference Room on the 15th floor.

Representatives Grendell has scheduled a conference call with Oklahoma Senator David Bullard, Oklahoma House Representative Kevin West, Idaho House Representative Wendy Horman and Arkansas House Representative Mark Lower who have passed similar legislation in other states. We are looking forward to hearing from them and continuing to strengthening our bill efforts.

Thank you!

From: Thomas, AJ
Sent: Monday, May 24, 2021 10:58 AM
To: 'mikeg@pjtn.org'; 'mike@b-simple.com'
Subject: Jones CRT bill
Attachments: l_134_1375-4.pdf

Bill is attached. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
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Columbus, Ohio 43215
Office number: (614) 644-8728
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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
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- (16) Requirements and procedures regarding the disposition of employees of the school in the event the contract is terminated or not renewed pursuant to section 3314.07 of the Revised Code; 486
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- (17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees; 490
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- (18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school; 501
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- (19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside outside the district in which the school is located. That policy shall comply with the admissions procedures specified in sections 3314.06 and 3314.061 of the Revised Code and, at the sole discretion of the authority, shall do one of the following: 504
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(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	510 511
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	512 513 514
(c) Permit the enrollment of students who reside in any other district in the state.	515 516
(20) A provision recognizing the authority of the department of education to take over the sponsorship of the school in accordance with the provisions of division (C) of section 3314.015 of the Revised Code;	517 518 519 520
(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code;	521 522 523
(22) A provision recognizing both of the following:	524
(a) The authority of public health and safety officials to inspect the facilities of the school and to order the facilities closed if those officials find that the facilities are not in compliance with health and safety laws and regulations;	525 526 527 528
(b) The authority of the department of education as the community school oversight body to suspend the operation of the school under section 3314.072 of the Revised Code if the department has evidence of conditions or violations of law at the school that pose an imminent danger to the health and safety of the school's students and employees and the sponsor refuses to take such action.	529 530 531 532 533 534 535
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-	536 537

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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Thomas, AJ
Sent: Monday, May 24, 2021 1:07 PM
To: 'MikeG@PJTN.org'
Subject: Jones CRT Bill
Attachments: l_134_1375-4.pdf

Bill attached. Thanks!

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
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Reviewed As To Form By
Legislative Service Commission

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
and to enact sections 3313.6027, 3313.6028, and
3313.6029 of the Revised Code regarding the
teaching of certain current events and certain
concepts regarding race and sex in public
schools.

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

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

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

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



of the following:	18
(i) Include the essential academic content and skills that	19
students are expected to know and be able to do at each grade	20
level that will allow each student to be prepared for	21
postsecondary instruction and the workplace for success in the	22
twenty-first century;	23
(ii) Include the development of skill sets that promote	24
information, media, and technological literacy;	25
(iii) Include interdisciplinary, project-based, real-world	26
learning opportunities;	27
(iv) Instill life-long learning by providing essential	28
knowledge and skills based in the liberal arts tradition, as	29
well as science, technology, engineering, mathematics, and	30
career-technical education;	31
(v) Be clearly written, transparent, and understandable by	32
parents, educators, and the general public.	33
(b) Not later than July 1, 2012, the state board shall	34
incorporate into the social studies standards for grades four to	35
twelve academic content regarding the original texts of the	36
Declaration of Independence, the Northwest Ordinance, the	37
Constitution of the United States and its amendments, with	38
emphasis on the Bill of Rights, and the Ohio Constitution, and	39
their original context. The state board shall revise the model	40
curricula and achievement assessments adopted under divisions	41
(B) and (C) of this section as necessary to reflect the	42
additional American history and American government content. The	43
state board shall make available a list of suggested grade-	44
appropriate supplemental readings that place the documents	45
prescribed by this division in their historical context, which	46

teachers may use as a resource to assist students in reading the 47
documents within that context. 48

(c) When the state board adopts or revises academic 49
content standards in social studies, American history, American 50
government, or science under division (A)(1) of this section, 51
the state board shall develop such standards independently and 52
not as part of a multistate consortium. 53

(2) After completing the standards required by division 54
(A)(1) of this section, the state board shall adopt standards 55
and model curricula for instruction in technology, financial 56
literacy and entrepreneurship, fine arts, and foreign language 57
for grades kindergarten through twelve. The standards shall meet 58
the same requirements prescribed in division (A)(1)(a) of this 59
section. 60

(3) The state board shall adopt the most recent standards 61
developed by the national association for sport and physical 62
education for physical education in grades kindergarten through 63
twelve or shall adopt its own standards for physical education 64
in those grades and revise and update them periodically. 65

The department of education shall employ a full-time 66
physical education coordinator to provide guidance and technical 67
assistance to districts, community schools, and STEM schools in 68
implementing the physical education standards adopted under this 69
division. The superintendent of public instruction shall 70
determine that the person employed as coordinator is qualified 71
for the position, as demonstrated by possessing an adequate 72
combination of education, license, and experience. 73

(4) Not later than December 31, 2018, the state board 74
shall adopt standards and a model curriculum for instruction in 75

computer science in grades kindergarten through twelve, which 76
shall include standards for introductory and advanced computer 77
science courses in grades nine through twelve. When developing 78
the standards and curriculum, the state board shall consider 79
recommendations from computer science education stakeholder 80
groups, including teachers and representatives from higher 81
education, industry, computer science organizations in Ohio, and 82
national computer science organizations. 83

Any district or school may utilize the computer science 84
standards or model curriculum or any part thereof adopted 85
pursuant to division (A) (4) of this section. However, no 86
district or school shall be required to utilize all or any part 87
of the standards or curriculum. 88

(5) When academic standards have been completed for any 89
subject area required by this section, the state board shall 90
inform all school districts, all community schools established 91
under Chapter 3314. of the Revised Code, all STEM schools 92
established under Chapter 3326. of the Revised Code, and all 93
nonpublic schools required to administer the assessments 94
prescribed by sections 3301.0710 and 3301.0712 of the Revised 95
Code of the content of those standards. Additionally, upon 96
completion of any academic standards under this section, the 97
department shall post those standards on the department's web 98
site. 99

(B) (1) The state board shall adopt a model curriculum for 100
instruction in each subject area for which updated academic 101
standards are required by division (A) (1) of this section and 102
for each of grades kindergarten through twelve that is 103
sufficient to meet the needs of students in every community. The 104
model curriculum shall be aligned with the standards, to ensure 105

that the academic content and skills specified for each grade 106
level are taught to students, and shall demonstrate vertical 107
articulation and emphasize coherence, focus, and rigor. When any 108
model curriculum has been completed, the state board shall 109
inform all school districts, community schools, and STEM schools 110
of the content of that model curriculum. 111

At no time shall the state board adopt any model 112
curriculum under this section regarding the concepts described 113
in divisions (A) (1) to (11) of section 3313.6028 of the Revised 114
Code. 115

(2) Not later than June 30, 2013, the state board, in 116
consultation with any office housed in the governor's office 117
that deals with workforce development, shall adopt model 118
curricula for grades kindergarten through twelve that embed 119
career connection learning strategies into regular classroom 120
instruction. 121

(3) All school districts, community schools, and STEM 122
schools may utilize the state standards and the model curriculum 123
established by the state board, together with other relevant 124
resources, examples, or models to ensure that students have the 125
opportunity to attain the academic standards. Upon request, the 126
department shall provide technical assistance to any district, 127
community school, or STEM school in implementing the model 128
curriculum. 129

Nothing in this section requires any school district to 130
utilize all or any part of a model curriculum developed under 131
this section. 132

(C) The state board shall develop achievement assessments 133
aligned with the academic standards and model curriculum for 134

each of the subject areas and grade levels required by divisions 135
(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 136

When any achievement assessment has been completed, the 137
state board shall inform all school districts, community 138
schools, STEM schools, and nonpublic schools required to 139
administer the assessment of its completion, and the department 140
shall make the achievement assessment available to the districts 141
and schools. 142

(D) (1) The state board shall adopt a diagnostic assessment 143
aligned with the academic standards and model curriculum for 144
each of grades kindergarten through two in reading, writing, and 145
mathematics and for grade three in reading and writing. The 146
diagnostic assessment shall be designed to measure student 147
comprehension of academic content and mastery of related skills 148
for the relevant subject area and grade level. Any diagnostic 149
assessment shall not include components to identify gifted 150
students. Blank copies of diagnostic assessments shall be public 151
records. 152

(2) When each diagnostic assessment has been completed, 153
the state board shall inform all school districts of its 154
completion and the department shall make the diagnostic 155
assessment available to the districts at no cost to the 156
district. 157

(3) School districts shall administer the diagnostic 158
assessment pursuant to section 3301.0715 of the Revised Code 159
beginning the first school year following the development of the 160
assessment. 161

However, beginning with the 2017-2018 school year, both of 162
the following shall apply: 163

(a) In the case of the diagnostic assessments for grades 164
one or two in writing or mathematics or for grade three in 165
writing, a school district shall not be required to administer 166
any such assessment, but may do so at the discretion of the 167
district board; 168

(b) In the case of any diagnostic assessment that is not 169
for the grade levels and subject areas specified in division (D) 170
(3)(a) of this section, each school district shall administer 171
the assessment in the manner prescribed by section 3301.0715 of 172
the Revised Code. 173

(E) The state board shall not adopt a diagnostic or 174
achievement assessment for any grade level or subject area other 175
than those specified in this section. 176

(F) Whenever the state board or the department consults 177
with persons for the purpose of drafting or reviewing any 178
standards, diagnostic assessments, achievement assessments, or 179
model curriculum required under this section, the state board or 180
the department shall first consult with parents of students in 181
kindergarten through twelfth grade and with active Ohio 182
classroom teachers, other school personnel, and administrators 183
with expertise in the appropriate subject area. Whenever 184
practicable, the state board and department shall consult with 185
teachers recognized as outstanding in their fields. 186

If the department contracts with more than one outside 187
entity for the development of the achievement assessments 188
required by this section, the department shall ensure the 189
interchangeability of those assessments. 190

(G) Whenever the state board adopts standards or model 191
curricula under this section, the department also shall provide 192

information on the use of blended or digital learning in the 193
delivery of the standards or curricula to students in accordance 194
with division (A) (5) of this section. 195

(H) The fairness sensitivity review committee, established 196
by rule of the state board of education, shall not allow any 197
question on any achievement or diagnostic assessment developed 198
under this section or any proficiency test prescribed by former 199
section 3301.0710 of the Revised Code, as it existed prior to 200
September 11, 2001, to include, be written to promote, or 201
inquire as to individual moral or social values or beliefs. The 202
decision of the committee shall be final. This section does not 203
create a private cause of action. 204

(I) Not later than sixty days prior to the adoption by the 205
state board of updated academic standards under division (A) (1) 206
of this section or updated model curricula under division (B) (1) 207
of this section, the superintendent of public instruction shall 208
present the academic standards or model curricula, as 209
applicable, in person at a public hearing of the respective 210
committees of the house of representatives and senate that 211
consider education legislation. 212

(J) As used in this section: 213

(1) "Blended learning" means the delivery of instruction 214
in a combination of time in a supervised physical location away 215
from home and online delivery whereby the student has some 216
element of control over time, place, path, or pace of learning. 217

(2) "Coherence" means a reflection of the structure of the 218
discipline being taught. 219

(3) "Digital learning" means learning facilitated by 220
technology that gives students some element of control over 221

time, place, path, or pace of learning.	222
(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

<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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act:	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: Hoynes, Rachel
Sent: Tuesday, May 25, 2021 10:04 AM
To: Thomas, AJ
Subject: RE: CRT draft release
Attachments: 21.05.25 CRT Introduction PR - Jones.docx

Follow Up Flag: Follow up
Flag Status: Completed

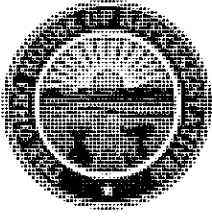
Hi AJ – this is great! I made a few minor edits, which can be found in the attached document.

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 24, 2021 10:09 AM
To: Hoynes, Rachel <Rachel.Hoynes@ohiohouse.gov>
Subject: CRT draft release

Hey Rachel, I wrote up a quick draft of a release for our bill introduction tomorrow and attached it. Please make any needed changes and let me know if you need anything else. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov



OHIO HOUSE OF REPRESENTATIVES

State Representative Don Jones

For Immediate Release:
May 25, 2021

Jones Introduces Bill to Prohibit Critical Race Theory in K-12 Education

COLUMBUS — State Representative Don Jones (R-Freeport) today introduced HB XXX, legislation that will prohibit critical race theory and action civics in Ohio's K-12 curriculum.

House Bill XXX would prohibit any state agency, school district or school from teaching, instructing or training any administrator, teacher, staff, member or employee to adopt or believe any of the following concepts among others:

- One race or sex is inherently superior to another race or sex
- An individual, by virtue of the individual's race or sex, 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 the individual's race
- An individual's moral standing or worth is necessarily determined by the individual's race or sex
- 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
- The advent of slavery in the territory that is now the United States constituted the true founding of the United States
- 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.

“Critical race theory is a dangerous and flat-out wrong theory. It is designed to look at everything from a ‘race first’ lens, which is the very definition of racism. CRT claiming to fight racism is laughable. Students should not be asked to ‘examine their whiteness’ or ‘check their privilege,’” said Jones. “This anti-American doctrine has no place in Ohio’s schools since 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 documents, which as President Lincoln said are ‘based on the proposition that all men are created equal.’ We must protect the integrity of our education system in order to ensure that Ohio’s youth is receiving a top-tier education, which will not be possible if CRT is allowed to be taught in our schools.”

The bill would also prohibit students from being forced to advocate and lobby for specific positions at the local, state or federal level. It also prohibits the State Board of Education from adopting any model curricula based on these concepts. The bill will make it so that any class that does contain any elements of the above concepts does not count towards state graduation requirements.

House Bill XXX now awaits a committee assignment.

From: Thomas, AJ
Sent: Tuesday, May 25, 2021 11:34 AM
To: Hoynes, Rachel
Subject: RE: CRT draft release

Perfect! I'm going to be over at the statehouse for non-voting and I'll let you know right away what the number is so we can get it out there. Thanks!

AJ

From: Hoynes, Rachel <Rachel.Hoynes@ohiohouse.gov>
Sent: Tuesday, May 25, 2021 10:04 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: CRT draft release

Hi AJ – this is great! I made a few minor edits, which can be found in the attached document.

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Monday, May 24, 2021 10:09 AM
To: Hoynes, Rachel <Rachel.Hoynes@ohiohouse.gov>
Subject: CRT draft release

Hey Rachel, I wrote up a quick draft of a release for our bill introduction tomorrow and attached it. Please make any needed changes and let me know if you need anything else. Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: Ohio House Republican Communications
Sent: Tuesday, May 25, 2021 1:16 PM
To: Ohio House Republican Communications
Subject: BREAKING NEWS: Jones Introduces Bill to Prohibit Critical Race Theory in K-12 Education



OHIO HOUSE OF REPRESENTATIVES

State Representative Don Jones

For Immediate Release:
May 25, 2021

Jones Introduces Bill to Prohibit Critical Race Theory in K-12 Education

COLUMBUS — State Representative Don Jones (R-Freeport) today introduced HB 322, legislation that will prohibit critical race theory and action civics in Ohio's K-12 curriculum.

House Bill 322 would prohibit any state agency, school district or school from teaching, instructing or training any administrator, teacher, staff, member or employee to adopt or believe any of the following concepts among others:

- One race or sex is inherently superior to another race or sex
- An individual, by virtue of the individual's race or sex, 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 the individual's race
- An individual's moral standing or worth is necessarily determined by the individual's race or sex
- 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
- The advent of slavery in the territory that is now the United States constituted the true founding of the United States
- 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.

“Critical race theory is a dangerous and flat-out wrong theory. It is designed to look at everything from a ‘race first’ lens, which is the very definition of racism. CRT claiming to fight racism is laughable. Students should not be asked to ‘examine their whiteness’ or ‘check their privilege,’” said Jones. “This anti-American doctrine has no place in Ohio’s schools since 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 documents, which as President Lincoln said are 'based on the proposition that all men are created equal.' We must protect the integrity of our education system in order to ensure that Ohio's youth is receiving a top-tier education, which will not be possible if CRT is allowed to be taught in our schools."

The bill would also prohibit students from being forced to advocate and lobby for specific positions at the local, state or federal level. It also prohibits the State Board of Education from adopting any model curricula based on these concepts. The bill will make it so that any class that does contain any elements of the above concepts does not count towards state graduation requirements.

House Bill 322 now awaits a committee assignment.

-30-

For more information, contact the office of Rep. Jones at (614) 644-8728 or Rep95@ohiohouse.gov.

From: Thomas, AJ
Sent: Tuesday, May 25, 2021 1:31 PM
To: 'Stanley Kurtz'
Subject: FW: BREAKING NEWS: Jones Introduces Bill to Prohibit Critical Race Theory in K-12 Education

Hi Stanley, please see below the press release that just went out for what is now HB 322. Also here is a link to the legislation's page. Please let me know if you need/want anything else and I will keep you up to date on how things are going with the bill. Thanks!

<https://www.legislature.ohio.gov/legislation/legislation-summary?id=GA134-HB-322>

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From: Stanley Kurtz
Sent: Tuesday, May 25, 2021 1:42 PM
To: Thomas, AJ
Subject: Re: FW: BREAKING NEWS: Jones Introduces Bill to Prohibit Critical Race Theory in K-12 Education

Dear AJ,

That's awesome. I will write about this, but it may take a few days. I am very distracted by the battle in Texas. The good news is that Texas is now virtually certain to pass a bill that includes most of what's in the model bill that inspired your Ohio bill. The less good news is that the other side managed to force some additional provisions in that would be better removed if at all possible. That is being decided now. The Texas battle has distracted me from my writing for a couple of weeks.

In any case, we are going to get a win in Texas, the only question is just how big. So the news is basically quite good. Thanks for the heads up on your bill. I look forward to writing on it soon.

Stanley

At 01:31 PM 5/25/2021, you wrote:

Hi Stanley, please see below the press release that just went out for what is now HB 322. Also here is a link to the legislation's page. Please let me know if you need/want anything else and I will keep you up to date on how things are going with the bill. Thanks!

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To: Jakubowski, Joe; Thomas, AJ
Subject: Following up

Follow Up Flag: Follow up
Flag Status: Completed

AJ and Joe:

Finally connecting you two for a conversation about divisive diversity training and Critical Race Theory.

AJ - Like I mentioned, Joe and I are friends from law school. Joe's a smart guy, a father, a forward-thinking Conservative, and someone with some bold, fresh ideas for the State. We've had many, many conversations about the future of Conservatism in Ohio and the country, and I think he's onto something with his bill idea. I offered to connect him to legislators and staff.

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To both of you - Can we do a three-way conference call during lunch sometime this week? Tomorrow maybe?

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Michael I. McGuire
Attorney at Law
(330) 814-2780

From: Jakubowski, Joe
Sent: Wednesday, April 7, 2021 12:12 AM
To: Michael McGuire; Thomas, AJ
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Attorney at Law

(330) 814-2780

From: Thomas, AJ
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To: 'Jakubowski, Joe'; Michael McGuire
Subject: RE: Following up

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To: Thomas, AJ
CC: Jakubowski, Joe
Subject: Re: Following up

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Sent: Wednesday, April 7, 2021 10:39:26 AM
To: AJ.Thomas@ohiohouse.gov <AJ.Thomas@ohiohouse.gov>
Cc: Jakubowski, Joe <jakubowski.22@buckeyemail.osu.edu>
Subject: Re: Following up

I have a lunch meeting scheduled for Thursday, but I can hop on a call from 11:45am-12:15pm. If that doesn't work, then go ahead with the call whenever works best for you two. Don't let my time constraints impede progress on this conversation.

--

Michael I. McGuire
Attorney at Law
(330) 814-2780

On Wed, Apr 7, 2021 at 8:43 AM AJ.Thomas@ohiohouse.gov <AJ.Thomas@ohiohouse.gov> wrote:

Sounds good. I can do either today or tomorrow whenever works best for the both of you. "spring break" opens up the schedule quite a bit. Thanks!

AJ

From: Jakubowski, Joe <jakubowski.22@buckeyemail.osu.edu>
Sent: Wednesday, April 07, 2021 12:12 AM
To: Michael McGuire <mimcguire.1020@gmail.com>; Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Following up

Mike and AJ,

I'd love to get on a phone call with both of you.

Tomorrow might be too quick, but how about on Thursday during the lunch hour?

Thanks for connecting us, Mike!

Joe

From: Michael McGuire <mimcguire.1020@gmail.com>

Sent: Tuesday, April 6, 2021 4:27 PM

To: Jakubowski, Joe <jakubowski.22@buckeyemail.osu.edu>; aj.thomas@ohiohouse.gov

Subject: Following up

AJ and Joe:

Finally connecting you two for a conversation about divisive diversity training and Critical Race Theory.

AJ - Like I mentioned, Joe and I are friends from law school. Joe's a smart guy, a father, a forward-thinking Conservative, and someone with some bold, fresh ideas for the State. We've had many, many conversations about the future of Conservatism in Ohio and the country, and I think he's onto something with his bill idea. I offered to connect him to legislators and staff.

Joe - AJ and I are friends from the House, but our paths first crossed when he was a College Republican at Ashland University and I was a campaign manager for my old boss. AJ works for State Rep. Don Jones, who represents the 95th District, which is in eastern Ohio. Representative Jones also happens to be the Majority Whip in the House. I know AJ to be a solid guy, a devout Catholic, a sharp Conservative, and well connected aide. Like you, he's a big ideas guy and forward-thinking. Definitely a good person to know in the Statehouse!

To both of you - Can we do a three-way conference call during lunch sometime this week?
Tomorrow maybe?

--

Michael I. McGuire

Attorney at Law

(330) 814-2780

From: Joseph Jakubowski
Sent: Saturday, April 10, 2021 12:22 AM
To: Thomas, AJ; mimcguire.1020@gmail.com
Subject: Following Up
Attachments: Divisive Trainings White Paper.docx; HB04093I.pdf

Follow Up Flag: Follow up
Flag Status: Completed

AJ and Mike,

It was great to talk with both of you yesterday! Thank you so much for taking time to meet with me.

As discussed, please find the white paper and a copy of the CRT Texas bill just introduced in the Texas House two weeks ago.

I'm always happy to discuss or answer any questions.

Thanks again,

Joe

--

Joseph Jakubowski
(419) 508-2456

The Problem: Diversity Trainings that Teach Racism and Sexism

Across the country, schools and workplaces have provided diversity trainings for their students and employees. While some of the diversity trainings are productive and beneficial, many diversity trainings do just the opposite. The advocates and instructors who teach these trainings claim to fight racism and sexism, but instead promote both. Recent examples include:

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- **The Coca-Cola Company:** Instead of teaching that no person is racist by virtue of their race, Coca-Cola’s diversity trainings have urged Coca Cola’s employees to “try to be less white.”⁴

Taking Root in Ohio: These racist and sexist ideas are taking root in Ohio’s public institutions and classrooms.

- In 2020, **the Ohio Department of Education recommended an “Anti-racist Allyship Starter Pack,” with roughly 200 links to op-eds, essays, and blog posts** that promoted the very same ideas that these diversity trainings have promoted across the nation.
 - For example, one article included these words: “Whiteness is a stone idol in the mind of white people in America that must be smashed to pieces like the idols of pre-Islamic Arabia.” While Ohio Department of Education eventually withdrew the starter pack, the fact that it was even introduced as an academic resource for schools is evidence that these divisive concepts are infiltrating our public institutions. .⁵
- As part of an official proposal this year, the **Rossford Exempted Village School District** in Wood County introduced several “antiracism” resources to its school board and staff that promote the following divisive concepts:

¹ Mary Ellen Cagnassola, *Fact Check: Are Buffalo Schools Teaching Students That All Whites Perpetuate Racism?*, NEWSWEEK, Feb. 26, 2021, <https://www.newsweek.com/fact-check-are-buffalo-schools-teaching-students-that-all-whites-perpetuate-racism-1572523>.

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⁵ Max Eden, *Smashing “Whiteness” in the Classroom*, CITY JOURNAL, Oct. 26, 2020, <https://www.city-journal.org/ohio-education-department-antiracist-training>.

- “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.”⁶
- Only white people can be racist because people of color “do not have enough institutional and structural power to be racist[.]”⁷
- Only men can be sexist because women “do not have enough institutional/structural power” to be sexist.⁸

These divisive trainings contradict America’s founding creed, that all of us are “created equal with certain inalienable rights.” These trainings also defy Martin Luther King Jr.’s dream that nobody would be judged by the color of our skin, but the content of our character. Ohio must take a stand against the racist and sexist principles advanced by these divisive trainings.

Policy Proposal:

Diversity trainings that teach racism and sexism have no place in our public institutions. The State of Ohio ought to statutorily prohibit any diversity training program that promotes any of the following divisive concepts:

- That one race or sex is inherently superior to another race or sex.
- That the United States of America and the State of Ohio are fundamentally racist or sexist.
- That an individual, by virtue of that individual’s race or sex, is inherently or systematically racist, sexist, or oppressive, whether consciously or unconsciously.
- That an individual should be discriminated against or receive adverse treatment solely or partly because of the individual’s race or sex.
- That members of one race or sex cannot and should not attempt to treat others without respect to race or sex.
- That an individual’s moral character is necessarily determined by the individual’s race or sex.
- That an individual, by virtue of the individual’s race or sex, bear responsibility for actions committed in the past by other members of the same race or sex.
- That any individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of that individual’s race or sex.

Similar Legislation in Other States

Bills like the one proposed here have been introduced in New Hampshire, Iowa, and several other states:

- Iowa Senate Bill 1205⁹
- New Hampshire House Bill 544¹⁰
- Oklahoma Senate Bill 803¹¹

⁶ Ibram X. Kendi, *How to be an Antiracist*, p. 287 (2019).

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- West Virginia Bill 2595¹²
- Texas House Bill 4093¹³

The Ohio General Assembly should introduce this bill. Ohio institutions must teach what Martin Luther King, Jr. taught us: we are all created equal no matter our race or sex.

Attached is a copy of the bill introduced in Texas on March 29, 2021 for the most recent example of a bill that could be introduced in Ohio.

¹² https://www.wvlegislature.gov/Bill_Text_HTML/2021_SESSIONS/RS/bills/HB2595%20INTR.pdf

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By: White

H.B. No. 4093

A BILL TO BE ENTITLED

AN ACT

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relating to civics instruction public school students and
instruction policies in public schools.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

SECTION 1. Section 28.002, Education Code, is amended by
adding Subsections (h-1), (h-2), and (h-3) to read as follows:

(h-1) In adopting the essential knowledge and skills for the
social studies curriculum, the State Board of Education shall adopt
essential knowledge and skills that develop each student's civic
knowledge, including an understanding of:

(1) the fundamental moral, political, and
intellectual foundations of the American experiment in
self-government, as well as the history, qualities, traditions, and
features of civic engagement in the United States;

(2) the structure, function, and processes of
government institutions at the federal, state, and local levels;
and

(3) the founding documents of the United States,
including the Declaration of Independence, the United States
Constitution, the Federalist Papers (including but not limited to
Essays 10 and 51), excerpts from Alexis de Tocqueville's Democracy
in America, the first Lincoln-Douglas debate, and the writings of
the Founding Fathers of the United States.

(h-2) In the instruction of the essential knowledge and

1 skills for the social studies curriculum, in applicable courses of
2 Texas, United States, and world history, government, civics, social
3 studies, or similar subject areas:

4 (1) no teacher shall be compelled by a policy of any
5 state agency, school district, campus, open-enrollment charter
6 school, or school administration to discuss current events or
7 widely debated and currently controversial issues of public policy
8 or social affairs;

9 (2) teachers who choose to discuss current events or
10 widely debated and currently controversial issues of public policy
11 or social affairs shall, to the best of their ability, strive to
12 explore such issues from diverse and contending perspectives
13 without giving deference to any one perspective;

14 (3) no school district or teacher shall require, make
15 part of a course, or award course grading or credit including extra
16 credit for, student work for, affiliation with, or service learning
17 in association with any organization engaged in lobbying for
18 legislation at the local, state or federal level, or in social or
19 public policy advocacy; and

20 (4) no school district or teacher shall require, make
21 part of a course, or award course grading or credit including extra
22 credit for, political activism, lobbying, or efforts to persuade
23 members of the legislative or executive branch to take specific
24 actions by direct communication at the local, state or federal
25 level, or any practicum or like activity involving social or public
26 policy advocacy.

27 (5) No teacher, administrator, or other employee in

1 any state agency, school district, campus, open-enrollment charter
2 school, or school administration shall be required to engage in
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4 sex stereotyping or blame on the basis of race or sex.

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16 character is necessarily determined by his or her race or sex; (6)
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20 guilt, anguish, or any other form of psychological distress on
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By: White

H.B. No. 4093

A BILL TO BE ENTITLED

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AN ACT

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10 Act takes effect September 1, 2021.

From: Thomas, AJ
Sent: Tuesday, April 20, 2021 2:43 PM
To: 'skurtz@eppc.org'
Subject: CRT/Divisive Concepts legislation

Hi Mr. Kurtz, I'm AJ Thomas, LA to Rep. Jones in the Ohio House of Representatives. Rep. Jones was an educator for 23 years prior to joining the legislature. He served as Chair of the House Primary & Secondary Education committee last GA and now is in leadership as the Majority Whip.

We still have our hands in education policy of course! I'm doing research on what legislation we can do as the Ohio General Assembly to curtail these bad curricula in Ohio. I've got your model legislation printed, as well as the Texas HB, and a couple of your NR articles. I'm going through those now, but I believe it may be helpful to arrange a phone call between you, myself and the Representative to learn more about the issue so we can have a full understanding when we hopefully soon introduce our legislation. I hope to hear from you soon, in the meantime have a great day!

Thanks!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

From: Thomas, AJ
Sent: Tuesday, April 20, 2021 2:49 PM
To: 'Joseph Jakubowski'; mimcguire.1020@gmail.com
Subject: RE: Following Up

Mike & Joe,

Now that we are wrapping up the budget here in the House I'm taking a look at all of this. I've also been doing some reading from Stanley Kurtz with the Ethics and Public Policy Center, who appears to be a national voice on the subject and has influenced the Texas legislation specifically:

<https://www.nationalreview.com/corner/the-partisanship-out-of-civics-act-a-proposal/>

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

It's clear we need to act quickly:

<https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>

Just wanted to give those things to the both of you and let you know that we're moving this off the back burner and starting our research. I've also reached out to Kurtz via email just to see if he could get on a phone call to have a discussion about moving forward. I'll let you both know what we'll be needing in the future. Thanks!

AJ

From: Joseph Jakubowski <josephjakubowski7@gmail.com>
Sent: Saturday, April 10, 2021 12:22 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>; mimcguire.1020@gmail.com
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Joe

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To: Thomas, AJ
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Subject: Re: CRT/Divisive Concepts legislation

Follow Up Flag: Follow up
Flag Status: Completed

Yes! About to do zoom. Will get back. Important tweaks needed to Texas bill that I can fill you in on.

Sent from my iPhone

On Apr 20, 2021, at 2:42 PM, AJ.Thomas@ohiohouse.gov wrote:

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AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

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Subject: Re: CRT/Divisive Concepts legislation

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I'm pretty sure I am. I am very tech stupid, but I think I remember that name from some video sessions I did with Heritage. My computer is a Dell desktop with Word and other Microsoft software, so it's probably all automatic. So I'm pretty sure the answer is yes, but I'm not 100% sure, simply because I don't keep track of all that very well.

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OK, I just checked out the old emails from Heritage and I did successfully attend meetings with them using Microsoft Teams. So we're good.

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AJ.Thomas@ohiohouse.gov

From: Joseph Jakubowski
Sent: Monday, April 26, 2021 1:31 PM
To: Thomas, AJ
CC: mimcguire.1020@gmail.com
Subject: Re: Following Up

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We're still close to the beginning here, but today was a huge step forward. On my end, I plan to keep telling people about this bill in order to get more support.

Please stay in touch. It's been great working with you thus far.

Thanks again,

Joe

On Tue, Apr 20, 2021 at 2:48 PM AJ.Thomas@ohiohouse.gov <AJ.Thomas@ohiohouse.gov> wrote:

Mike & Joe,

Now that we are wrapping up the budget here in the House I'm taking a look at all of this. I've also been doing some reading from Stanley Kurtz with the Ethics and Public Policy Center, who appears to be a national voice on the subject and has influenced the Texas legislation specifically:

<https://www.nationalreview.com/corner/the-partisanship-out-of-civics-act-a-proposal/>

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

It's clear we need to act quickly:

<https://www.nationalreview.com/corner/biden-set-to-push-critical-race-theory-on-u-s-schools/>

Just wanted to give those things to the both of you and let you know that we're moving this off the back burner and starting our research. I've also reached out to Kurtz via email just to see if he could get on a phone call to have a discussion about moving forward. I'll let you both know what we'll be needing in the future. Thanks!

AJ

From: Joseph Jakubowski <josephjakubowski7@gmail.com>
Sent: Saturday, April 10, 2021 12:22 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>; mimcguire.1020@gmail.com
Subject: Following Up

AJ and Mike,

It was great to talk with both of you yesterday! Thank you so much for taking time to meet with me.

As discussed, please find the white paper and a copy of the CRT Texas bill just introduced in the Texas House two weeks ago.

I'm always happy to discuss or answer any questions.

Thanks again,

Joe

--

Joseph Jakubowski

(419) 508-2456

--

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From: Michael McGuire
Sent: Monday, April 26, 2021 1:55 PM
To: Joseph Jakubowski
CC: Thomas, AJ
Subject: Re: Following Up

I'll echo Joe's comments. Great work, AJ! Thanks for setting it up. I think we're moving in the right direction.

Speaking of telling others, we should probably discuss a messaging strategy and alliances when we have time. That way, proponents have time to contribute and prepare.

--

Michael I. McGuire
Attorney at Law
(330) 814-2780

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Sent: Saturday, April 10, 2021 12:22 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>; mimcguire.1020@gmail.com
Subject: Following Up

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As discussed, please find the white paper and a copy of the CRT Texas bill just introduced in the Texas House two weeks ago.

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From: Stanley Kurtz
Sent: Thursday, April 29, 2021 9:27 AM
To: Thomas, AJ
Subject: Expanded Model Civics Bill

Dear AJ,

My expanded model civics bill is out. I announce it and explain it here:

https://www.nationalreview.com/corner/how-to-keep-crt-and-action-civics-out-of-k-12/?utm_source=recirc-desktop&utm_medium=homepage&utm_campaign=right-rail&utm_content=corner&utm_term=first

Here is the text of the updated model bill itself:

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

We'll be in touch. And thanks so much for your interest in this.

Stanley

From: Thomas, AJ
Sent: Thursday, April 29, 2021 10:31 AM
To: 'Stanley Kurtz'
Subject: RE: Expanded Model Civics Bill

Thank you!

AJ

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From: Stanley Kurtz
Sent: Thursday, April 29, 2021 1:50 PM
To: Thomas, AJ
Subject: Re: Expanded Model Civics Bill

AJ, there was a bad link in the piece I sent you. It has now been fixed. The link in the piece mistakenly went to the Texas bill, which has not been updated. It was supposed to go to the updated text of my new model bill. Again, the link has now been fixed. Also, my original email contained a separate link to the updated model bill. So all should be fine now.

Just make sure you refer to my updated model bill with NAS and not the Texas bill. The Texas bill will likely be updated when it reaches the floor, which will likely be soon. But for now, use my updated model bill as a guide. Sorry for the confusion. Again, here is the proper link:

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

Stanley

Sent from my iPad

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To: Michael McGuire
CC: Thomas, AJ
Subject: Re: Following Up

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Attorney at Law
(330) 814-2780

On Mon, Apr 26, 2021 at 1:31 PM Joseph Jakubowski <josephjakubowski7@gmail.com> wrote:
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From: Michael McGuire
Sent: Tuesday, May 4, 2021 10:32 AM
To: Joseph Jakubowski
CC: Thomas, AJ
Subject: Re: Following Up

Jane Timken announces listening tour on CRT (and divisive concepts).

<https://twitter.com/janemurph/status/1389587065604648960?s=21>

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From: Headlee, Adam
Sent: Wednesday, May 5, 2021 10:52 AM
To: Thomas, AJ
Subject: Critical Race Theory Bill

Good morning AJ,

Rep. Bird asked me to reach out and request the draft language for Rep. Jones's bill regarding critical race theory if it is available.

Thank you!

Adam J. Headlee
Legislative Aide
Office of State Representative Adam Bird
Ohio House of Representatives, District 66
77 S. High Street, 11th Floor, Columbus, OH 43215
614.644.6034

From: Thomas, AJ
Sent: Monday, May 10, 2021 8:39 AM
To: 'Stanley Kurtz'
Subject: Ohio Draft CRT Legislation- FW: Delivery from LSC - L_134_1375
Attachments: l_134_1375.pdf

Hi Stanley, please see attached the draft of our legislation we got back. Please take a look at let me know what we need to add/change. How our bills work is that they have to include the entire sections of code that are getting amended. Everything that is underlined is new law, anything that is struck out is being removed, and anything that is normal type is staying the same. Please let me know if you have any questions. I'm available via phone or email. Thanks!!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
Cell: (419) 203-9813
AJ.Thomas@ohiohouse.gov

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Friday, May 07, 2021 10:27 PM
Subject: Delivery from LSC - L_134_1375

Please see the attached document(s), with respect to the bill, L-134-1375, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

I_134_1375

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 3313.6028 of the Revised
Code regarding the teaching of certain current
events and certain concepts regarding race and
sex in public schools.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 3313.6028 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) No state agency, school district, or
school administration shall require a teacher of history,
civics, United States government and politics, social studies,
or similar subject areas who is employed by the board of
education of a school district to discuss current events or
widely debated and currently controversial issues of public
policy or social affairs.

It is the policy of this state that teachers who choose to
discuss current events or widely debated and currently



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controversial issues of public policy or social affairs, to the 18
best of their abilities, shall strive to explore such issues 19
from diverse perspectives. 20

(B) In any course on history, civics, United States 21
government and politics, social studies, or a similar subject 22
area, no school district shall require, make part of such a 23
course, or award course grading or credit for any of the 24
following: 25

(1) Student work for, affiliation with, or service 26
learning in association with any organization engaged in 27
lobbying for legislation at the state or federal level or in 28
social or public policy advocacy; 29

(2) Lobbying for legislation at the state or federal 30
level; 31

(3) Any practicum or similar activity that involves social 32
or public policy advocacy. 33

(C) No state agency or school district shall accept 34
private funding for curriculum development, purchase or 35
selection of curricular materials, teacher training, 36
professional development, or continuing teacher education 37
pertaining to courses on history, United States government and 38
politics, social studies, or similar subject areas. 39

(D) Nothing in this section exempts a teacher who is 40
teaching advanced placement courses from teaching the curriculum 41
that is required by the national organization that administers 42
the advanced placement program. 43

Sec. 3313.6028. (A) No state agency, school district, or 44
school administration shall require a teacher to affirm a belief 45
in the so-called systemic nature of racism, or similar ideas, 46

that is contrary to the teacher's sincerely held religious or 47
philosophical convictions. 48

(B) No state agency or school district shall teach, 49
instruct, or train any administrator, teacher, staff, member, or 50
employee to adopt or believe any of the following concepts: 51

(1) One race is inherently superior to another race; 52

(2) An individual, by virtue of the individual's race, is 53
inherently racist or oppressive, whether consciously or 54
unconsciously; 55

(3) An individual should be discriminated against or 56
receive adverse treatment solely or partly because of the 57
individual's race; 58

(4) Members of one race cannot or should not attempt to 59
treat others without respect to race; 60

(5) An individual's moral standing or worth is necessarily 61
determined by the individual's race; 62

(6) An individual, by virtual of the individual's race, 63
bears responsibility for actions committed in the past by other 64
members of the same race; 65

(7) An individual should feel discomfort, guilt, anguish, 66
or any other form of psychological distress on account of the 67
individual's race; 68

(8) Meritocracy or traits such as a hard work ethic are 69
racist or were created by members of a particular race to 70
oppress members of another race; 71

(9) Fault, blame, or bias should be assigned to a race or 72
to members of that race because of their race. 73

(C) No teacher or school administrator employed by a 74
school district or employee of a state agency shall approve for 75
use, make use of, or carry out standards, curricula, lesson 76
plans, textbooks, instructional materials, or instructional 77
practices that teach the concepts described in divisions (B) (1) 78
to (9) of this section. 79

Sec. 3314.03. A copy of every contract entered into under 80
this section shall be filed with the superintendent of public 81
instruction. The department of education shall make available on 82
its web site a copy of every approved, executed contract filed 83
with the superintendent under this section. 84

(A) Each contract entered into between a sponsor and the 85
governing authority of a community school shall specify the 86
following: 87

(1) That the school shall be established as either of the 88
following: 89

(a) A nonprofit corporation established under Chapter 90
1702. of the Revised Code, if established prior to April 8, 91
2003; 92

(b) A public benefit corporation established under Chapter 93
1702. of the Revised Code, if established after April 8, 2003. 94

(2) The education program of the school, including the 95
school's mission, the characteristics of the students the school 96
is expected to attract, the ages and grades of students, and the 97
focus of the curriculum; 98

(3) The academic goals to be achieved and the method of 99
measurement that will be used to determine progress toward those 100
goals, which shall include the statewide achievement 101
assessments; 102

(4) Performance standards, including but not limited to	103
all applicable report card measures set forth in section 3302.03	104
or 3314.017 of the Revised Code, by which the success of the	105
school will be evaluated by the sponsor;	106
(5) The admission standards of section 3314.06 of the	107
Revised Code and, if applicable, section 3314.061 of the Revised	108
Code;	109
(6) (a) Dismissal procedures;	110
(b) A requirement that the governing authority adopt an	111
attendance policy that includes a procedure for automatically	112
withdrawing a student from the school if the student without a	113
legitimate excuse fails to participate in seventy-two	114
consecutive hours of the learning opportunities offered to the	115
student.	116
(7) The ways by which the school will achieve racial and	117
ethnic balance reflective of the community it serves;	118
(8) Requirements for financial audits by the auditor of	119
state. The contract shall require financial records of the	120
school to be maintained in the same manner as are financial	121
records of school districts, pursuant to rules of the auditor of	122
state. Audits shall be conducted in accordance with section	123
117.10 of the Revised Code.	124
(9) An addendum to the contract outlining the facilities	125
to be used that contains at least the following information:	126
(a) A detailed description of each facility used for	127
instructional purposes;	128
(b) The annual costs associated with leasing each facility	129
that are paid by or on behalf of the school;	130

(c) The annual mortgage principal and interest payments that are paid by the school;	131 132
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	133 134 135
(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.	136 137 138 139 140 141
(11) That the school will comply with the following requirements:	142 143
(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.	144 145 146
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	147 148 149
(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.	150 151 152 153
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, <u>3313.6027</u> , <u>3313.6028</u> , 3313.643, 3313.648, 3313.6411,	154 155 156 157 158 159

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 160
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 161
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 162
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 163
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 165
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 166
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 167
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 168
4112., 4123., 4141., and 4167. of the Revised Code as if it were 169
a school district and will comply with section 3301.0714 of the 170
Revised Code in the manner specified in section 3314.17 of the 171
Revised Code. 172

(e) The school shall comply with Chapter 102. and section 173
2921.42 of the Revised Code. 174

(f) The school will comply with sections 3313.61, 175
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 176
Revised Code, except that for students who enter ninth grade for 177
the first time before July 1, 2010, the requirement in sections 178
3313.61 and 3313.611 of the Revised Code that a person must 179
successfully complete the curriculum in any high school prior to 180
receiving a high school diploma may be met by completing the 181
curriculum adopted by the governing authority of the community 182
school rather than the curriculum specified in Title XXXVIII of 183
the Revised Code or any rules of the state board of education. 184
Beginning with students who enter ninth grade for the first time 185
on or after July 1, 2010, the requirement in sections 3313.61 186
and 3313.611 of the Revised Code that a person must successfully 187
complete the curriculum of a high school prior to receiving a 188
high school diploma shall be met by completing the requirements 189
prescribed in division (C) of section 3313.603 of the Revised 190

Code, unless the person qualifies under division (D) or (F) of 191
that section. Each school shall comply with the plan for 192
awarding high school credit based on demonstration of subject 193
area competency, and beginning with the 2017-2018 school year, 194
with the updated plan that permits students enrolled in seventh 195
and eighth grade to meet curriculum requirements based on 196
subject area competency adopted by the state board of education 197
under divisions (J) (1) and (2) of section 3313.603 of the 198
Revised Code. Beginning with the 2018-2019 school year, the 199
school shall comply with the framework for granting units of 200
high school credit to students who demonstrate subject area 201
competency through work-based learning experiences, internships, 202
or cooperative education developed by the department under 203
division (J) (3) of section 3313.603 of the Revised Code. 204

(g) The school governing authority will submit within four 205
months after the end of each school year a report of its 206
activities and progress in meeting the goals and standards of 207
divisions (A) (3) and (4) of this section and its financial 208
status to the sponsor and the parents of all students enrolled 209
in the school. 210

(h) The school, unless it is an internet- or computer- 211
based community school, will comply with section 3313.801 of the 212
Revised Code as if it were a school district. 213

(i) If the school is the recipient of moneys from a grant 214
awarded under the federal race to the top program, Division (A), 215
Title XIV, Sections 14005 and 14006 of the "American Recovery 216
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 217
the school will pay teachers based upon performance in 218
accordance with section 3317.141 and will comply with section 219
3319.111 of the Revised Code as if it were a school district. 220

(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.	221 222 223 224 225 226
(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:	227 228 229
(i) An internet- or computer-based community school;	230
(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.	231 232 233
(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.	234 235 236 237
(12) Arrangements for providing health and other benefits to employees;	238 239
(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.	240 241 242 243
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	244 245
(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.	246 247 248

(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;	249 250 251 252
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	253 254 255 256 257 258 259 260 261 262 263
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	264 265 266
(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:	267 268 269 270 271 272
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	273 274
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	275 276 277

(c) Permit the enrollment of students who reside in any other district in the state.	278 279
(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;	280 281 282 283
(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;	284 285 286
(22) A provision recognizing both of the following:	287
(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;	288 289 290 291
(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.	292 293 294 295 296 297 298
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	299 300 301 302 303 304
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	305 306

be taken by a school district pursuant to those sections shall 307
be taken by the sponsor of the school. However, the sponsor 308
shall not be required to take any action described in division 309
(F) of section 3302.04 of the Revised Code. 310

(25) Beginning in the 2006-2007 school year, the school 311
will open for operation not later than the thirtieth day of 312
September each school year, unless the mission of the school as 313
specified under division (A) (2) of this section is solely to 314
serve dropouts. In its initial year of operation, if the school 315
fails to open by the thirtieth day of September, or within one 316
year after the adoption of the contract pursuant to division (D) 317
of section 3314.02 of the Revised Code if the mission of the 318
school is solely to serve dropouts, the contract shall be void. 319

(26) Whether the school's governing authority is planning 320
to seek designation for the school as a STEM school equivalent 321
under section 3326.032 of the Revised Code; 322

(27) That the school's attendance and participation 323
policies will be available for public inspection; 324

(28) That the school's attendance and participation 325
records shall be made available to the department of education, 326
auditor of state, and school's sponsor to the extent permitted 327
under and in accordance with the "Family Educational Rights and 328
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 329
and any regulations promulgated under that act, and section 330
3319.321 of the Revised Code; 331

(29) If a school operates using the blended learning 332
model, as defined in section 3301.079 of the Revised Code, all 333
of the following information: 334

(a) An indication of what blended learning model or models 335

will be used;	336
(b) A description of how student instructional needs will be determined and documented;	337 338
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	339 340
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	341 342 343
(e) A statement describing how student progress will be monitored;	344 345
(f) A statement describing how private student data will be protected;	346 347
(g) A description of the professional development activities that will be offered to teachers.	348 349
(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;	350 351 352 353
(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.	354 355 356 357 358
(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.	359 360 361 362 363

(33) A provision requiring the governing authority to	364
adopt a student residence and address verification policy for	365
students enrolling in or attending the school.	366
(B) The community school shall also submit to the sponsor	367
a comprehensive plan for the school. The plan shall specify the	368
following:	369
(1) The process by which the governing authority of the	370
school will be selected in the future;	371
(2) The management and administration of the school;	372
(3) If the community school is a currently existing public	373
school or educational service center building, alternative	374
arrangements for current public school students who choose not	375
to attend the converted school and for teachers who choose not	376
to teach in the school or building after conversion;	377
(4) The instructional program and educational philosophy	378
of the school;	379
(5) Internal financial controls.	380
When submitting the plan under this division, the school	381
shall also submit copies of all policies and procedures	382
regarding internal financial controls adopted by the governing	383
authority of the school.	384
(C) A contract entered into under section 3314.02 of the	385
Revised Code between a sponsor and the governing authority of a	386
community school may provide for the community school governing	387
authority to make payments to the sponsor, which is hereby	388
authorized to receive such payments as set forth in the contract	389
between the governing authority and the sponsor. The total	390
amount of such payments for monitoring, oversight, and technical	391

assistance of the school shall not exceed three per cent of the 392
total amount of payments for operating expenses that the school 393
receives from the state. 394

(D) The contract shall specify the duties of the sponsor 395
which shall be in accordance with the written agreement entered 396
into with the department of education under division (B) of 397
section 3314.015 of the Revised Code and shall include the 398
following: 399

(1) Monitor the community school's compliance with all 400
laws applicable to the school and with the terms of the 401
contract; 402

(2) Monitor and evaluate the academic and fiscal 403
performance and the organization and operation of the community 404
school on at least an annual basis; 405

(3) Report on an annual basis the results of the 406
evaluation conducted under division (D)(2) of this section to 407
the department of education and to the parents of students 408
enrolled in the community school; 409

(4) Provide technical assistance to the community school 410
in complying with laws applicable to the school and terms of the 411
contract; 412

(5) Take steps to intervene in the school's operation to 413
correct problems in the school's overall performance, declare 414
the school to be on probationary status pursuant to section 415
3314.073 of the Revised Code, suspend the operation of the 416
school pursuant to section 3314.072 of the Revised Code, or 417
terminate the contract of the school pursuant to section 3314.07 418
of the Revised Code as determined necessary by the sponsor; 419

(6) Have in place a plan of action to be undertaken in the 420

event the community school experiences financial difficulties or 421
closes prior to the end of a school year. 422

(E) Upon the expiration of a contract entered into under 423
this section, the sponsor of a community school may, with the 424
approval of the governing authority of the school, renew that 425
contract for a period of time determined by the sponsor, but not 426
ending earlier than the end of any school year, if the sponsor 427
finds that the school's compliance with applicable laws and 428
terms of the contract and the school's progress in meeting the 429
academic goals prescribed in the contract have been 430
satisfactory. Any contract that is renewed under this division 431
remains subject to the provisions of sections 3314.07, 3314.072, 432
and 3314.073 of the Revised Code. 433

(F) If a community school fails to open for operation 434
within one year after the contract entered into under this 435
section is adopted pursuant to division (D) of section 3314.02 436
of the Revised Code or permanently closes prior to the 437
expiration of the contract, the contract shall be void and the 438
school shall not enter into a contract with any other sponsor. A 439
school shall not be considered permanently closed because the 440
operations of the school have been suspended pursuant to section 441
3314.072 of the Revised Code. 442

Sec. 3326.11. Each science, technology, engineering, and 443
mathematics school established under this chapter and its 444
governing body shall comply with sections 9.90, 9.91, 109.65, 445
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 446
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 447
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 448
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 449
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 450

3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 451
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 452
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 453
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 454
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 455
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 456
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 457
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 458
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 459
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 460
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 461
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 462
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 463
4112., 4123., 4141., and 4167. of the Revised Code as if it were 464
a school district. 465

Section 2. That existing sections 3314.03 and 3326.11 of 466
the Revised Code are hereby repealed. 467

Section 3. The General Assembly, applying the principle 468
stated in division (B) of section 1.52 of the Revised Code that 469
amendments are to be harmonized if reasonably capable of 470
simultaneous operation, finds that the following sections, 471
presented in this act as composites of the sections as amended 472
by the acts indicated, are the resulting versions of the 473
sections in effect prior to the effective date of the sections 474
as presented in this act: 475

Section 3314.03 of the Revised Code as amended by H.B. 476
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 477
89, all of the 133rd General Assembly. 478

Section 3326.11 of the Revised Code as amended by H.B. 479
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 480

. B. No.
I_134_1375

Page 18

General Assembly.

481

From: Thomas, AJ
Sent: Monday, May 10, 2021 8:40 AM
To: Jakubowski, Joe; mimcguire.1020@gmail.com
Subject: CRT Draft -FW: Delivery from LSC - L_134_1375
Attachments: l_134_1375.pdf

Hey guys, finally got this back from LSC late Friday. Take a look and see what you think. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Friday, May 07, 2021 10:27 PM
Subject: Delivery from LSC - L_134_1375

Please see the attached document(s), with respect to the bill, L-134-1375, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

I_134_1375

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 3313.6028 of the Revised Code regarding the teaching of certain current events and certain concepts regarding race and sex in public schools.

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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 3313.6028 of the Revised Code be enacted to read as follows:

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Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.

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It is the policy of this state that teachers who choose to discuss current events or widely debated and currently

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controversial issues of public policy or social affairs, to the 18
best of their abilities, shall strive to explore such issues 19
from diverse perspectives. 20

(B) In any course on history, civics, United States 21
government and politics, social studies, or a similar subject 22
area, no school district shall require, make part of such a 23
course, or award course grading or credit for any of the 24
following: 25

(1) Student work for, affiliation with, or service 26
learning in association with any organization engaged in 27
lobbying for legislation at the state or federal level or in 28
social or public policy advocacy; 29

(2) Lobbying for legislation at the state or federal 30
level; 31

(3) Any practicum or similar activity that involves social 32
or public policy advocacy. 33

(C) No state agency or school district shall accept 34
private funding for curriculum development, purchase or 35
selection of curricular materials, teacher training, 36
professional development, or continuing teacher education 37
pertaining to courses on history, United States government and 38
politics, social studies, or similar subject areas. 39

(D) Nothing in this section exempts a teacher who is 40
teaching advanced placement courses from teaching the curriculum 41
that is required by the national organization that administers 42
the advanced placement program. 43

Sec. 3313.6028. (A) No state agency, school district, or 44
school administration shall require a teacher to affirm a belief 45
in the so-called systemic nature of racism, or similar ideas, 46

that is contrary to the teacher's sincerely held religious or 47
philosophical convictions. 48

(B) No state agency or school district shall teach, 49
instruct, or train any administrator, teacher, staff, member, or 50
employee to adopt or believe any of the following concepts: 51

(1) One race is inherently superior to another race; 52

(2) An individual, by virtue of the individual's race, is 53
inherently racist or oppressive, whether consciously or 54
unconsciously; 55

(3) An individual should be discriminated against or 56
receive adverse treatment solely or partly because of the 57
individual's race; 58

(4) Members of one race cannot or should not attempt to 59
treat others without respect to race; 60

(5) An individual's moral standing or worth is necessarily 61
determined by the individual's race; 62

(6) An individual, by virtual of the individual's race, 63
bears responsibility for actions committed in the past by other 64
members of the same race; 65

(7) An individual should feel discomfort, guilt, anguish, 66
or any other form of psychological distress on account of the 67
individual's race; 68

(8) Meritocracy or traits such as a hard work ethic are 69
racist or were created by members of a particular race to 70
oppress members of another race; 71

(9) Fault, blame, or bias should be assigned to a race or 72
to members of that race because of their race. 73

(C) 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 teach the concepts described in divisions (B) (1) to (9) of this section.

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

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

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

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

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

(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;

(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;

(4) Performance standards, including but not limited to	103
all applicable report card measures set forth in section 3302.03	104
or 3314.017 of the Revised Code, by which the success of the	105
school will be evaluated by the sponsor;	106
(5) The admission standards of section 3314.06 of the	107
Revised Code and, if applicable, section 3314.061 of the Revised	108
Code;	109
(6) (a) Dismissal procedures;	110
(b) A requirement that the governing authority adopt an	111
attendance policy that includes a procedure for automatically	112
withdrawing a student from the school if the student without a	113
legitimate excuse fails to participate in seventy-two	114
consecutive hours of the learning opportunities offered to the	115
student.	116
(7) The ways by which the school will achieve racial and	117
ethnic balance reflective of the community it serves;	118
(8) Requirements for financial audits by the auditor of	119
state. The contract shall require financial records of the	120
school to be maintained in the same manner as are financial	121
records of school districts, pursuant to rules of the auditor of	122
state. Audits shall be conducted in accordance with section	123
117.10 of the Revised Code.	124
(9) An addendum to the contract outlining the facilities	125
to be used that contains at least the following information:	126
(a) A detailed description of each facility used for	127
instructional purposes;	128
(b) The annual costs associated with leasing each facility	129
that are paid by or on behalf of the school;	130

(c) The annual mortgage principal and interest payments that are paid by the school;	131 132
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	133 134 135
(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.	136 137 138 139 140 141
(11) That the school will comply with the following requirements:	142 143
(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.	144 145 146
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	147 148 149
(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.	150 151 152 153
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 3313.6025, <u>3313.6027</u> , <u>3313.6028</u> , 3313.643, 3313.648, 3313.6411,	154 155 156 157 158 159

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 160
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 161
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 162
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 163
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 165
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 166
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 167
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 168
4112., 4123., 4141., and 4167. of the Revised Code as if it were 169
a school district and will comply with section 3301.0714 of the 170
Revised Code in the manner specified in section 3314.17 of the 171
Revised Code. 172

(e) The school shall comply with Chapter 102. and section 173
2921.42 of the Revised Code. 174

(f) The school will comply with sections 3313.61, 175
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 176
Revised Code, except that for students who enter ninth grade for 177
the first time before July 1, 2010, the requirement in sections 178
3313.61 and 3313.611 of the Revised Code that a person must 179
successfully complete the curriculum in any high school prior to 180
receiving a high school diploma may be met by completing the 181
curriculum adopted by the governing authority of the community 182
school rather than the curriculum specified in Title XXXIII of 183
the Revised Code or any rules of the state board of education. 184
Beginning with students who enter ninth grade for the first time 185
on or after July 1, 2010, the requirement in sections 3313.61 186
and 3313.611 of the Revised Code that a person must successfully 187
complete the curriculum of a high school prior to receiving a 188
high school diploma shall be met by completing the requirements 189
prescribed in division (C) of section 3313.603 of the Revised 190

Code, unless the person qualifies under division (D) or (F) of 191
that section. Each school shall comply with the plan for 192
awarding high school credit based on demonstration of subject 193
area competency, and beginning with the 2017-2018 school year, 194
with the updated plan that permits students enrolled in seventh 195
and eighth grade to meet curriculum requirements based on 196
subject area competency adopted by the state board of education 197
under divisions (J) (1) and (2) of section 3313.603 of the 198
Revised Code. Beginning with the 2018-2019 school year, the 199
school shall comply with the framework for granting units of 200
high school credit to students who demonstrate subject area 201
competency through work-based learning experiences, internships, 202
or cooperative education developed by the department under 203
division (J) (3) of section 3313.603 of the Revised Code. 204

(g) The school governing authority will submit within four 205
months after the end of each school year a report of its 206
activities and progress in meeting the goals and standards of 207
divisions (A) (3) and (4) of this section and its financial 208
status to the sponsor and the parents of all students enrolled 209
in the school. 210

(h) The school, unless it is an internet- or computer- 211
based community school, will comply with section 3313.801 of the 212
Revised Code as if it were a school district. 213

(i) If the school is the recipient of moneys from a grant 214
awarded under the federal race to the top program, Division (A), 215
Title XIV, Sections 14005 and 14006 of the "American Recovery 216
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 217
the school will pay teachers based upon performance in 218
accordance with section 3317.141 and will comply with section 219
3319.111 of the Revised Code as if it were a school district. 220

(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.	221 222 223 224 225 226
(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:	227 228 229
(i) An internet- or computer-based community school;	230
(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.	231 232 233
(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.	234 235 236 237
(12) Arrangements for providing health and other benefits to employees;	238 239
(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.	240 241 242 243
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	244 245
(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.	246 247 248

(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;	249 250 251 252
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	253 254 255 256 257 258 259 260 261 262 263
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	264 265 266
(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:	267 268 269 270 271 272
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	273 274
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	275 276 277

(c) Permit the enrollment of students who reside in any other district in the state.	278 279
(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;	280 281 282 283
(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;	284 285 286
(22) A provision recognizing both of the following:	287
(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;	288 289 290 291
(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.	292 293 294 295 296 297 298
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	299 300 301 302 303 304
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	305 306

be taken by a school district pursuant to those sections shall 307
be taken by the sponsor of the school. However, the sponsor 308
shall not be required to take any action described in division 309
(F) of section 3302.04 of the Revised Code. 310

(25) Beginning in the 2006-2007 school year, the school 311
will open for operation not later than the thirtieth day of 312
September each school year, unless the mission of the school as 313
specified under division (A) (2) of this section is solely to 314
serve dropouts. In its initial year of operation, if the school 315
fails to open by the thirtieth day of September, or within one 316
year after the adoption of the contract pursuant to division (D) 317
of section 3314.02 of the Revised Code if the mission of the 318
school is solely to serve dropouts, the contract shall be void. 319

(26) Whether the school's governing authority is planning 320
to seek designation for the school as a STEM school equivalent 321
under section 3326.032 of the Revised Code; 322

(27) That the school's attendance and participation 323
policies will be available for public inspection; 324

(28) That the school's attendance and participation 325
records shall be made available to the department of education, 326
auditor of state, and school's sponsor to the extent permitted 327
under and in accordance with the "Family Educational Rights and 328
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 329
and any regulations promulgated under that act, and section 330
3319.321 of the Revised Code; 331

(29) If a school operates using the blended learning 332
model, as defined in section 3301.079 of the Revised Code, all 333
of the following information: 334

(a) An indication of what blended learning model or models 335

will be used;	336
(b) A description of how student instructional needs will be determined and documented;	337 338
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	339 340
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	341 342 343
(e) A statement describing how student progress will be monitored;	344 345
(f) A statement describing how private student data will be protected;	346 347
(g) A description of the professional development activities that will be offered to teachers.	348 349
(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;	350 351 352 353
(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.	354 355 356 357 358
(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.	359 360 361 362 363

(33) A provision requiring the governing authority to 364
adopt a student residence and address verification policy for 365
students enrolling in or attending the school. 366

(B) The community school shall also submit to the sponsor 367
a comprehensive plan for the school. The plan shall specify the 368
following: 369

(1) The process by which the governing authority of the 370
school will be selected in the future; 371

(2) The management and administration of the school; 372

(3) If the community school is a currently existing public 373
school or educational service center building, alternative 374
arrangements for current public school students who choose not 375
to attend the converted school and for teachers who choose not 376
to teach in the school or building after conversion; 377

(4) The instructional program and educational philosophy 378
of the school; 379

(5) Internal financial controls. 380

When submitting the plan under this division, the school 381
shall also submit copies of all policies and procedures 382
regarding internal financial controls adopted by the governing 383
authority of the school. 384

(C) A contract entered into under section 3314.02 of the 385
Revised Code between a sponsor and the governing authority of a 386
community school may provide for the community school governing 387
authority to make payments to the sponsor, which is hereby 388
authorized to receive such payments as set forth in the contract 389
between the governing authority and the sponsor. The total 390
amount of such payments for monitoring, oversight, and technical 391

assistance of the school shall not exceed three per cent of the 392
total amount of payments for operating expenses that the school 393
receives from the state. 394

(D) The contract shall specify the duties of the sponsor 395
which shall be in accordance with the written agreement entered 396
into with the department of education under division (B) of 397
section 3314.015 of the Revised Code and shall include the 398
following: 399

(1) Monitor the community school's compliance with all 400
laws applicable to the school and with the terms of the 401
contract; 402

(2) Monitor and evaluate the academic and fiscal 403
performance and the organization and operation of the community 404
school on at least an annual basis; 405

(3) Report on an annual basis the results of the 406
evaluation conducted under division (D) (2) of this section to 407
the department of education and to the parents of students 408
enrolled in the community school; 409

(4) Provide technical assistance to the community school 410
in complying with laws applicable to the school and terms of the 411
contract; 412

(5) Take steps to intervene in the school's operation to 413
correct problems in the school's overall performance, declare 414
the school to be on probationary status pursuant to section 415
3314.073 of the Revised Code, suspend the operation of the 416
school pursuant to section 3314.072 of the Revised Code, or 417
terminate the contract of the school pursuant to section 3314.07 418
of the Revised Code as determined necessary by the sponsor; 419

(6) Have in place a plan of action to be undertaken in the 420

event the community school experiences financial difficulties or 421
closes prior to the end of a school year. 422

(E) Upon the expiration of a contract entered into under 423
this section, the sponsor of a community school may, with the 424
approval of the governing authority of the school, renew that 425
contract for a period of time determined by the sponsor, but not 426
ending earlier than the end of any school year, if the sponsor 427
finds that the school's compliance with applicable laws and 428
terms of the contract and the school's progress in meeting the 429
academic goals prescribed in the contract have been 430
satisfactory. Any contract that is renewed under this division 431
remains subject to the provisions of sections 3314.07, 3314.072, 432
and 3314.073 of the Revised Code. 433

(F) If a community school fails to open for operation 434
within one year after the contract entered into under this 435
section is adopted pursuant to division (D) of section 3314.02 436
of the Revised Code or permanently closes prior to the 437
expiration of the contract, the contract shall be void and the 438
school shall not enter into a contract with any other sponsor. A 439
school shall not be considered permanently closed because the 440
operations of the school have been suspended pursuant to section 441
3314.072 of the Revised Code. 442

Sec. 3326.11. Each science, technology, engineering, and 443
mathematics school established under this chapter and its 444
governing body shall comply with sections 9.90, 9.91, 109.65, 445
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 446
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 447
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 448
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 449
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 450

3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 451
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 452
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 453
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 454
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 455
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 456
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 457
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 458
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 459
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 460
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 461
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 462
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 463
4112., 4123., 4141., and 4167. of the Revised Code as if it were 464
a school district. 465

Section 2. That existing sections 3314.03 and 3326.11 of 466
the Revised Code are hereby repealed. 467

Section 3. The General Assembly, applying the principle 468
stated in division (B) of section 1.52 of the Revised Code that 469
amendments are to be harmonized if reasonably capable of 470
simultaneous operation, finds that the following sections, 471
presented in this act as composites of the sections as amended 472
by the acts indicated, are the resulting versions of the 473
sections in effect prior to the effective date of the sections 474
as presented in this act: 475

Section 3314.03 of the Revised Code as amended by H.B. 476
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 477
89, all of the 133rd General Assembly. 478

Section 3326.11 of the Revised Code as amended by H.B. 479
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 480

. B. No.
I_134_1375

Page 18

General Assembly.

481

From: Stanley Kurtz
Sent: Monday, May 10, 2021 8:43 AM
To: Thomas, AJ
Subject: Re: Ohio Draft CRT Legislation- FW: Delivery from LSC - L_134_1375

Thanks, AJ. I will study this carefully and get back to you within a day or two, I hope. Thanks so much for moving forward with this!

Stanley

At 08:38 AM 5/10/2021, you wrote:

Hi Stanley, please see attached the draft of our legislation we got back. Please take a look at let me know what we need to add/change. How our bills work is that they have to include the entire sections of code that are getting amended. Everything that is underlined is new law, anything that is struck out is being removed, and anything that is normal type is staying the same. Please let me know if you have any questions. I'm available via phone or email. Thanks!!

AJ

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
Cell: (419) 203-9813
AJ.Thomas@ohiohouse.gov

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Friday, May 07, 2021 10:27 PM
Subject: Delivery from LSC - L_134_1375

Please see the attached document(s), with respect to the bill, L-134-1375, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

From: Stanley Kurtz
Sent: Monday, May 10, 2021 9:33 AM
To: Thomas, AJ
Subject: Good News on Civics Bill

Dear A.J.,

I forgot to give you some good news. Today, the editors of National Review endorsed the Texas bills based on my model civics legislation with the NAS (also the basis for your Ohio bill, I believe). The editors called for a tweak to the Texas bill that I have already publicly called for. That same tweak is in my expanded model bill, and the Texas sponsor is planning to amend his bill in exactly this way today.

Bottom line, if you have drafted a bill based on the updated NAS model I sent, then that bill has now been formally endorsed by the editors of National Review. Here's the National Review editorial. The material on the Texas bill is at the bottom:

[https://urldefense.com/v3/https://www.nationalreview.com/2021/05/a-welcome-backlash-against-critical-race-theory/!!AC6e5FAr!kc6orTXMZBS-N4uJy6CPoKjn2rKU40Mhs3IdQ6CKtkTUkn-FPghVB-kaw_QRX_UcfU4eFw\\$](https://urldefense.com/v3/https://www.nationalreview.com/2021/05/a-welcome-backlash-against-critical-race-theory/!!AC6e5FAr!kc6orTXMZBS-N4uJy6CPoKjn2rKU40Mhs3IdQ6CKtkTUkn-FPghVB-kaw_QRX_UcfU4eFw$)

Stanley

From: Thomas, AJ
Sent: Monday, May 10, 2021 2:48 PM
To: Crum, Dwight
Subject: FW: Delivery from LSC - L_134_1375
Attachments: l_134_1375.pdf

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Friday, May 07, 2021 10:27 PM
Subject: Delivery from LSC - L_134_1375

Please see the attached document(s), with respect to the bill, L-134-1375, requested from LSC.

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Reviewed As To Form By
Legislative Service Commission

I_134_1375

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 3313.6028 of the Revised
Code regarding the teaching of certain current
events and certain concepts regarding race and
sex in public schools.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 3313.6028 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) No state agency, school district, or
school administration shall require a teacher of history,
civics, United States government and politics, social studies,
or similar subject areas who is employed by the board of
education of a school district to discuss current events or
widely debated and currently controversial issues of public
policy or social affairs.

It is the policy of this state that teachers who choose to
discuss current events or widely debated and currently



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controversial issues of public policy or social affairs, to the 18
best of their abilities, shall strive to explore such issues 19
from diverse perspectives. 20

(B) In any course on history, civics, United States 21
government and politics, social studies, or a similar subject 22
area, no school district shall require, make part of such a 23
course, or award course grading or credit for any of the 24
following: 25

(1) Student work for, affiliation with, or service 26
learning in association with any organization engaged in 27
lobbying for legislation at the state or federal level or in 28
social or public policy advocacy; 29

(2) Lobbying for legislation at the state or federal 30
level; 31

(3) Any practicum or similar activity that involves social 32
or public policy advocacy. 33

(C) No state agency or school district shall accept 34
private funding for curriculum development, purchase or 35
selection of curricular materials, teacher training, 36
professional development, or continuing teacher education 37
pertaining to courses on history, United States government and 38
politics, social studies, or similar subject areas. 39

(D) Nothing in this section exempts a teacher who is 40
teaching advanced placement courses from teaching the curriculum 41
that is required by the national organization that administers 42
the advanced placement program. 43

Sec. 3313.6028. (A) No state agency, school district, or 44
school administration shall require a teacher to affirm a belief 45
in the so-called systemic nature of racism, or similar ideas, 46

that is contrary to the teacher's sincerely held religious or 47
philosophical convictions. 48

(B) No state agency or school district shall teach, 49
instruct, or train any administrator, teacher, staff, member, or 50
employee to adopt or believe any of the following concepts: 51

(1) One race is inherently superior to another race; 52

(2) An individual, by virtue of the individual's race, is 53
inherently racist or oppressive, whether consciously or 54
unconsciously; 55

(3) An individual should be discriminated against or 56
receive adverse treatment solely or partly because of the 57
individual's race; 58

(4) Members of one race cannot or should not attempt to 59
treat others without respect to race; 60

(5) An individual's moral standing or worth is necessarily 61
determined by the individual's race; 62

(6) An individual, by virtual of the individual's race, 63
bears responsibility for actions committed in the past by other 64
members of the same race; 65

(7) An individual should feel discomfort, guilt, anguish, 66
or any other form of psychological distress on account of the 67
individual's race; 68

(8) Meritocracy or traits such as a hard work ethic are 69
racist or were created by members of a particular race to 70
oppress members of another race; 71

(9) Fault, blame, or bias should be assigned to a race or 72
to members of that race because of their race. 73

(C) No teacher or school administrator employed by a 74
school district or employee of a state agency shall approve for 75
use, make use of, or carry out standards, curricula, lesson 76
plans, textbooks, instructional materials, or instructional 77
practices that teach the concepts described in divisions (B) (1) 78
to (9) of this section. 79

Sec. 3314.03. A copy of every contract entered into under 80
this section shall be filed with the superintendent of public 81
instruction. The department of education shall make available on 82
its web site a copy of every approved, executed contract filed 83
with the superintendent under this section. 84

(A) Each contract entered into between a sponsor and the 85
governing authority of a community school shall specify the 86
following: 87

(1) That the school shall be established as either of the 88
following: 89

(a) A nonprofit corporation established under Chapter 90
1702. of the Revised Code, if established prior to April 8, 91
2003; 92

(b) A public benefit corporation established under Chapter 93
1702. of the Revised Code, if established after April 8, 2003. 94

(2) The education program of the school, including the 95
school's mission, the characteristics of the students the school 96
is expected to attract, the ages and grades of students, and the 97
focus of the curriculum; 98

(3) The academic goals to be achieved and the method of 99
measurement that will be used to determine progress toward those 100
goals, which shall include the statewide achievement 101
assessments; 102

(4) Performance standards, including but not limited to	103
all applicable report card measures set forth in section 3302.03	104
or 3314.017 of the Revised Code, by which the success of the	105
school will be evaluated by the sponsor;	106
(5) The admission standards of section 3314.06 of the	107
Revised Code and, if applicable, section 3314.061 of the Revised	108
Code;	109
(6) (a) Dismissal procedures;	110
(b) A requirement that the governing authority adopt an	111
attendance policy that includes a procedure for automatically	112
withdrawing a student from the school if the student without a	113
legitimate excuse fails to participate in seventy-two	114
consecutive hours of the learning opportunities offered to the	115
student.	116
(7) The ways by which the school will achieve racial and	117
ethnic balance reflective of the community it serves;	118
(8) Requirements for financial audits by the auditor of	119
state. The contract shall require financial records of the	120
school to be maintained in the same manner as are financial	121
records of school districts, pursuant to rules of the auditor of	122
state. Audits shall be conducted in accordance with section	123
117.10 of the Revised Code.	124
(9) An addendum to the contract outlining the facilities	125
to be used that contains at least the following information:	126
(a) A detailed description of each facility used for	127
instructional purposes;	128
(b) The annual costs associated with leasing each facility	129
that are paid by or on behalf of the school;	130

(c) The annual mortgage principal and interest payments	131
that are paid by the school;	132
(d) The name of the lender or landlord, identified as	133
such, and the lender's or landlord's relationship to the	134
operator, if any.	135
(10) Qualifications of teachers, including a requirement	136
that the school's classroom teachers be licensed in accordance	137
with sections 3319.22 to 3319.31 of the Revised Code, except	138
that a community school may engage noncertificated persons to	139
teach up to twelve hours or forty hours per week pursuant to	140
section 3319.301 of the Revised Code.	141
(11) That the school will comply with the following	142
requirements:	143
(a) The school will provide learning opportunities to a	144
minimum of twenty-five students for a minimum of nine hundred	145
twenty hours per school year.	146
(b) The governing authority will purchase liability	147
insurance, or otherwise provide for the potential liability of	148
the school.	149
(c) The school will be nonsectarian in its programs,	150
admission policies, employment practices, and all other	151
operations, and will not be operated by a sectarian school or	152
religious institution.	153
(d) The school will comply with sections 9.90, 9.91,	154
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	155
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	156
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012,	157
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024,	158
3313.6025, <u>3313.6027, 3313.6028,</u> 3313.643, 3313.648, 3313.6411,	159

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668,	160
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673,	161
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112,	162
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818,	163
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078,	164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02,	165
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17,	166
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262,	167
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742.,	168
4112., 4123., 4141., and 4167. of the Revised Code as if it were	169
a school district and will comply with section 3301.0714 of the	170
Revised Code in the manner specified in section 3314.17 of the	171
Revised Code.	172
(e) The school shall comply with Chapter 102. and section	173
2921.42 of the Revised Code.	174
(f) The school will comply with sections 3313.61,	175
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the	176
Revised Code, except that for students who enter ninth grade for	177
the first time before July 1, 2010, the requirement in sections	178
3313.61 and 3313.611 of the Revised Code that a person must	179
successfully complete the curriculum in any high school prior to	180
receiving a high school diploma may be met by completing the	181
curriculum adopted by the governing authority of the community	182
school rather than the curriculum specified in Title XXXIII of	183
the Revised Code or any rules of the state board of education.	184
Beginning with students who enter ninth grade for the first time	185
on or after July 1, 2010, the requirement in sections 3313.61	186
and 3313.611 of the Revised Code that a person must successfully	187
complete the curriculum of a high school prior to receiving a	188
high school diploma shall be met by completing the requirements	189
prescribed in division (C) of section 3313.603 of the Revised	190

Code, unless the person qualifies under division (D) or (F) of 191
that section. Each school shall comply with the plan for 192
awarding high school credit based on demonstration of subject 193
area competency, and beginning with the 2017-2018 school year, 194
with the updated plan that permits students enrolled in seventh 195
and eighth grade to meet curriculum requirements based on 196
subject area competency adopted by the state board of education 197
under divisions (J) (1) and (2) of section 3313.603 of the 198
Revised Code. Beginning with the 2018-2019 school year, the 199
school shall comply with the framework for granting units of 200
high school credit to students who demonstrate subject area 201
competency through work-based learning experiences, internships, 202
or cooperative education developed by the department under 203
division (J) (3) of section 3313.603 of the Revised Code. 204

(g) The school governing authority will submit within four 205
months after the end of each school year a report of its 206
activities and progress in meeting the goals and standards of 207
divisions (A) (3) and (4) of this section and its financial 208
status to the sponsor and the parents of all students enrolled 209
in the school. 210

(h) The school, unless it is an internet- or computer- 211
based community school, will comply with section 3313.801 of the 212
Revised Code as if it were a school district. 213

(i) If the school is the recipient of moneys from a grant 214
awarded under the federal race to the top program, Division (A), 215
Title XIV, Sections 14005 and 14006 of the "American Recovery 216
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 217
the school will pay teachers based upon performance in 218
accordance with section 3317.141 and will comply with section 219
3319.111 of the Revised Code as if it were a school district. 220

(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.	221 222 223 224 225 226
(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:	227 228 229
(i) An internet- or computer-based community school;	230
(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.	231 232 233
(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.	234 235 236 237
(12) Arrangements for providing health and other benefits to employees;	238 239
(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.	240 241 242 243
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	244 245
(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.	246 247 248

(16) Requirements and procedures regarding the disposition 249
of employees of the school in the event the contract is 250
terminated or not renewed pursuant to section 3314.07 of the 251
Revised Code; 252

(17) Whether the school is to be created by converting all 253
or part of an existing public school or educational service 254
center building or is to be a new start-up school, and if it is 255
a converted public school or service center building, 256
specification of any duties or responsibilities of an employer 257
that the board of education or service center governing board 258
that operated the school or building before conversion is 259
delegating to the governing authority of the community school 260
with respect to all or any specified group of employees provided 261
the delegation is not prohibited by a collective bargaining 262
agreement applicable to such employees; 263

(18) Provisions establishing procedures for resolving 264
disputes or differences of opinion between the sponsor and the 265
governing authority of the community school; 266

(19) A provision requiring the governing authority to 267
adopt a policy regarding the admission of students who reside 268
outside the district in which the school is located. That policy 269
shall comply with the admissions procedures specified in 270
sections 3314.06 and 3314.061 of the Revised Code and, at the 271
sole discretion of the authority, shall do one of the following: 272

(a) Prohibit the enrollment of students who reside outside 273
the district in which the school is located; 274

(b) Permit the enrollment of students who reside in 275
districts adjacent to the district in which the school is 276
located; 277

(c) Permit the enrollment of students who reside in any other district in the state.	278 279
(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;	280 281 282 283
(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;	284 285 286
(22) A provision recognizing both of the following:	287
(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;	288 289 290 291
(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.	292 293 294 295 296 297 298
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	299 300 301 302 303 304
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	305 306

be taken by a school district pursuant to those sections shall 307
be taken by the sponsor of the school. However, the sponsor 308
shall not be required to take any action described in division 309
(F) of section 3302.04 of the Revised Code. 310

(25) Beginning in the 2006-2007 school year, the school 311
will open for operation not later than the thirtieth day of 312
September each school year, unless the mission of the school as 313
specified under division (A) (2) of this section is solely to 314
serve dropouts. In its initial year of operation, if the school 315
fails to open by the thirtieth day of September, or within one 316
year after the adoption of the contract pursuant to division (D) 317
of section 3314.02 of the Revised Code if the mission of the 318
school is solely to serve dropouts, the contract shall be void. 319

(26) Whether the school's governing authority is planning 320
to seek designation for the school as a STEM school equivalent 321
under section 3326.032 of the Revised Code; 322

(27) That the school's attendance and participation 323
policies will be available for public inspection; 324

(28) That the school's attendance and participation 325
records shall be made available to the department of education, 326
auditor of state, and school's sponsor to the extent permitted 327
under and in accordance with the "Family Educational Rights and 328
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 329
and any regulations promulgated under that act, and section 330
3319.321 of the Revised Code; 331

(29) If a school operates using the blended learning 332
model, as defined in section 3301.079 of the Revised Code, all 333
of the following information: 334

(a) An indication of what blended learning model or models 335

will be used;	336
(b) A description of how student instructional needs will be determined and documented;	337 338
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	339 340
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	341 342 343
(e) A statement describing how student progress will be monitored;	344 345
(f) A statement describing how private student data will be protected;	346 347
(g) A description of the professional development activities that will be offered to teachers.	348 349
(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;	350 351 352 353
(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.	354 355 356 357 358
(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.	359 360 361 362 363

(33) A provision requiring the governing authority to 364
adopt a student residence and address verification policy for 365
students enrolling in or attending the school. 366

(B) The community school shall also submit to the sponsor 367
a comprehensive plan for the school. The plan shall specify the 368
following: 369

(1) The process by which the governing authority of the 370
school will be selected in the future; 371

(2) The management and administration of the school; 372

(3) If the community school is a currently existing public 373
school or educational service center building, alternative 374
arrangements for current public school students who choose not 375
to attend the converted school and for teachers who choose not 376
to teach in the school or building after conversion; 377

(4) The instructional program and educational philosophy 378
of the school; 379

(5) Internal financial controls. 380

When submitting the plan under this division, the school 381
shall also submit copies of all policies and procedures 382
regarding internal financial controls adopted by the governing 383
authority of the school. 384

(C) A contract entered into under section 3314.02 of the 385
Revised Code between a sponsor and the governing authority of a 386
community school may provide for the community school governing 387
authority to make payments to the sponsor, which is hereby 388
authorized to receive such payments as set forth in the contract 389
between the governing authority and the sponsor. The total 390
amount of such payments for monitoring, oversight, and technical 391

assistance of the school shall not exceed three per cent of the 392
total amount of payments for operating expenses that the school 393
receives from the state. 394

(D) The contract shall specify the duties of the sponsor 395
which shall be in accordance with the written agreement entered 396
into with the department of education under division (B) of 397
section 3314.015 of the Revised Code and shall include the 398
following: 399

(1) Monitor the community school's compliance with all 400
laws applicable to the school and with the terms of the 401
contract; 402

(2) Monitor and evaluate the academic and fiscal 403
performance and the organization and operation of the community 404
school on at least an annual basis; 405

(3) Report on an annual basis the results of the 406
evaluation conducted under division (D) (2) of this section to 407
the department of education and to the parents of students 408
enrolled in the community school; 409

(4) Provide technical assistance to the community school 410
in complying with laws applicable to the school and terms of the 411
contract; 412

(5) Take steps to intervene in the school's operation to 413
correct problems in the school's overall performance, declare 414
the school to be on probationary status pursuant to section 415
3314.073 of the Revised Code, suspend the operation of the 416
school pursuant to section 3314.072 of the Revised Code, or 417
terminate the contract of the school pursuant to section 3314.07 418
of the Revised Code as determined necessary by the sponsor; 419

(6) Have in place a plan of action to be undertaken in the 420

event the community school experiences financial difficulties or 421
closes prior to the end of a school year. 422

(E) Upon the expiration of a contract entered into under 423
this section, the sponsor of a community school may, with the 424
approval of the governing authority of the school, renew that 425
contract for a period of time determined by the sponsor, but not 426
ending earlier than the end of any school year, if the sponsor 427
finds that the school's compliance with applicable laws and 428
terms of the contract and the school's progress in meeting the 429
academic goals prescribed in the contract have been 430
satisfactory. Any contract that is renewed under this division 431
remains subject to the provisions of sections 3314.07, 3314.072, 432
and 3314.073 of the Revised Code. 433

(F) If a community school fails to open for operation 434
within one year after the contract entered into under this 435
section is adopted pursuant to division (D) of section 3314.02 436
of the Revised Code or permanently closes prior to the 437
expiration of the contract, the contract shall be void and the 438
school shall not enter into a contract with any other sponsor. A 439
school shall not be considered permanently closed because the 440
operations of the school have been suspended pursuant to section 441
3314.072 of the Revised Code. 442

Sec. 3326.11. Each science, technology, engineering, and 443
mathematics school established under this chapter and its 444
governing body shall comply with sections 9.90, 9.91, 109.65, 445
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 446
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 447
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 448
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 449
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 450

3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 451
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 452
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 453
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 454
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3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 457
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 458
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 459
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 460
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 461
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 462
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 463
4112., 4123., 4141., and 4167. of the Revised Code as if it were 464
a school district. 465

Section 2. That existing sections 3314.03 and 3326.11 of 466
the Revised Code are hereby repealed. 467

Section 3. The General Assembly, applying the principle 468
stated in division (B) of section 1.52 of the Revised Code that 469
amendments are to be harmonized if reasonably capable of 470
simultaneous operation, finds that the following sections, 471
presented in this act as composites of the sections as amended 472
by the acts indicated, are the resulting versions of the 473
sections in effect prior to the effective date of the sections 474
as presented in this act: 475

Section 3314.03 of the Revised Code as amended by H.B. 476
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 477
89, all of the 133rd General Assembly. 478

Section 3326.11 of the Revised Code as amended by H.B. 479
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 480

. B. No.
I_134_1375

Page 18

General Assembly.

481

From: Stanley Kurtz
Sent: Monday, May 10, 2021 8:55 PM
To: Thomas, AJ
Subject: Changes to Civics Draft #1

Dear AJ,

I've looked over the bill. There are a number of significant issues and changes to be discussed. Everything is easily resolved, one way or the other, but there are definitely some important issues/changes to be resolved.

Part of the problem is that my model bill has been slightly expanded and tweaked since we last communicated. Here is the latest version:

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

But there are other issues as well. There is an issue about how to deal with AP courses. Most of all, I think there must have been some confusion about the need to leave out "or sex" in the key section of the bill. My model bill **already corrects for the potential androgyny problem**. Legislative Counsel's office seems to have omitted every mention of "or sex." That is neither necessary nor wise. The mention of "sex" only needs to be left out of a few provisions, and that is already done properly in the model bill.

At any rate, I will list the various issues/changes for you to decide on below.

1) **Page 2, Line 20:** The model bill says that teachers should strive to explore current controversies "from diverse **and contending** perspectives." I can't tell whether "or contending" was omitted in this draft by purposeful decision, or was simply overlooked by mistake. I have a modest preference for adding "or contending." That's because "contending" makes it more likely that teachers will really have to explore both sides. Even so, I don't think it would be a huge problem if "and contending" was omitted. It's up to you. But I guess I'd rather see it included.

2) **Page 2, Lines 28 and 30:** Since we spoke, my model bill has been tweaked to prevent lobbying at the **local**, state, or national level. A lot of action civics takes place at local bodies like city councils, school boards, police review boards, etc. So at both lines 28 and 30, the text should now read: "lobbying for legislation at the **local**, state, or federal level"

3) **Page 2, Line 32:** Although this is not in my model bill, I would suggest adding the term **action project** here for further clarification. So the revised text should read: "(3) Any practicum, **action project**, or similar activity that involves social or public policy advocacy."

4) I notice that, at **Page 2, Line 23:** the phrase "**whether for regular credit or advanced placement credit**" has been omitted. Instead, an entirely new provision has been added at **Page 2, Lines 40-43**. This provision seriously risks creating a loophole in the law. Let me explain.

AP U.S. Government and Politics courses now often require action civics projects. By

removing the reference that includes AP courses in the action civics ban, and by adding a provision that appears to exempt AP courses from the ban, in effect Ohio allows the College Board to override its ban on action civics.

To some degree, the actual effect of the law depends on the word "**curriculum**" at **Page 2, Line 41**. It could be argued that action civics projects aren't really "curricular." But the College Board does consider action civics part of the "curriculum." So the law as written here would give AP courses an exemption on the action civics ban. With a AP course enrollment expanding, that would be a huge loophole in the law. In fact, schools might react to the loophole by expanding AP enrollment still further to allow for more action civics.

If this is something you favor, that's up to you. As for me, I would recommend putting the original phrase from the model bill: "whether for regular credit or AP credit" back in, and striking the provision that exempts AP courses from the law.

An alternative approach would be to strike the AP exemption (**Page 2, Lines 40-43**) and leave the rest of the text as is. That is, simply ban action civics in all government and politics courses without mentioning the AP issue one way or the other. But again, it's up to you.

5) Throughout **Page 3, at points from Line 52--73**, the words **or sex**, and **sexist** have been removed when they **should not be removed**. **My model bill has already removed the specific "or sex" references that need to be struck or modified with additional language.**

It is definitely true that including "or sex" at certain key points could inadvertently result in mandating androgyny in the curriculum. But as noted, my model bill already corrects for this. It would be a mistake to omit every reference to "or sex." We still need to protect against false attacks on men or women because of their sex. Also, it would look very odd to leave sex out of the bill completely when it is in all the other state bills. Someone could ask why and it might look as though you somehow favor sexism or discrimination.

I would suggest that Legislative Counsel **refer to the updated version of the model bill linked above and follow that text when listing the categories of barred concepts. Include "or sex" and "sexist" where it is included in the model bill, but nowhere else.** So, for example, at Page 3, Lines 56-60, "or sex" is omitted, and that is correct. The model bill leaves "or sex" out of those two provisions to prevent the inadvertent mandating of androgyny in the curriculum. But "or sex" and "sexist" needs to be put back in the other provisions, just as it is in my model bill.

6) **Notice that the updated and expanded model bill includes two new provisions at the end of the curriculum section. In the model bill, those are provisions (B)(8)(i) and (j).** These two new provisions in the model bill deal with the 1619 Project's most troubling concepts. You should **add those two provisions to the Ohio bill.**

Right now, the Ohio draft simply says that all the concepts prohibited to training are also prohibited in the curriculum as well. But there are **two new concepts specific to the curriculum section that need to be added from the expanded model bill, as noted in the paragraph**

immediately above.

7) At **Page 3, Line 78** the current Ohio draft says that no one in the schools system shall **"teach the concepts."** My model bill instead says that no one shall use curricula or teaching methods that **"serve to inculcate."** I strongly recommend using "serve to inculcate" instead of "teach the concepts." This is so important that it might literally effect my ability to support the bill. It seems like a minor distinction, but it's not.

It is very important that teachers be able to *discuss* the concepts of Critical Race Theory but not be permitted to preach, advocate, or *inculcate* those concepts. It's true that K-12 teachers have very limited free speech rights and states and school districts can set curriculum. But it is very unwise and may not even stand up in court to ban all *discussion* of a concept.

Critical Race Theory is out there. If a student asks about it, a teacher has to be able to respond. In fact, a teacher needs to be able to explain why CRT is bad! Saying that no-one should "teach" these concepts is dangerously vague and in danger of seeming like a ban even on discussion of the concepts. Saying that the concepts cannot be "inculcated" clearly allows for discussion, including explanations of why CRT is a bad thing.

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So these are the issues and changes. Please get back to me with any further questions or issues. And whatever you decide, I would very much like to look over draft #2.

Thanks so much to you and to Rep. Jones for moving forward with this.

Stanley

From: Thomas, AJ
Sent: Tuesday, May 11, 2021 9:32 AM
To: 'Stanley Kurtz'
Subject: RE: Changes to Civics Draft #1

Stanley,

Just sent those corrections to LSC. The "or sex" thing was definitely on me. For now I just went with striking lines 40-43 in regards to the AP exam. I'm not sure if there was a misunderstanding with the draft instructions or if they felt the need to exempt AP courses. I've not talked with Rep. Jones about that particular point yet, so for now we'll have the bill not mention AP at all.

A couple of other additions we put in to the drafting instructions or version 2:

- 1) A standard boilerplate we tend to put in most bills like this is to prohibit the State Board from adopting any model curricula in regards to the concepts listed, so we have put that in
- 2) A lot of members in our caucus would like to see an "enforcement mechanism" even though the bill prohibits the inculcation of these concepts. Instead of going the Tennessee route and tying it to funding we have currently settled on saying any class that does contain these concepts shall not count towards graduation. Now, that could potentially drive the creation of elective courses, but it should at least curb the concepts from getting into our standard American History and Government classes.

When I get the next draft back, I will pass it along. Thanks!

AJ

From: Stanley Kurtz <skurtz.1@starpower.net>
Sent: Monday, May 10, 2021 8:55 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Changes to Civics Draft #1

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Sent: Tuesday, May 11, 2021 9:40 AM
To: Thomas, AJ
Subject: RE: Changes to Civics Draft #1

Dear A.J.,

Thanks for this. I will think on the enforcement mechanism. I remembered after I sent that email that there was one more issue I forgot. If you look at the model bill, there was one other element left out. The provision that prevents teachers from being forced to affirm that the US is systemically racist against philosophical or religious conscience is also supposed to prevent them from being forced to affirm that gender is multiple or flexible. You'll see the full provision in the model bill.

Somehow the part about not forcing teachers to affirm multiple and flexible gender identity against philosophical or religious conscience was left out by the drafting office. Unless that was intentional on your part, you should put that back in.

By the way, the Texas House passed the bill last night. Senate has passed another version. Will be a conference. I watched four hour debate. Opponents were trounced, because our side had the votes. But they used parliamentary delaying tactics, many false characterizations of the bill, and other arguments I can brief you on. Some are easy to parry if you are prepared. More on that later.

Stanley

At 09:32 AM 5/11/2021, you wrote:

Stanley,

Just sent those corrections to LSC. The "or sex" thing was definitely on me. For now I just went with striking lines 40-43 in regards to the AP exam. I'm not sure if there was a misunderstanding with the draft instructions or if they felt the need to exempt AP courses. I've not talked with Rep. Jones about that particular point yet, so for now we'll have the bill not mention AP at all.

A couple of other additions we put in to the drafting instructions or version 2:

- 1) A standard boilerplate we tend to put in most bills like this is to prohibit the State Board from adopting any model curricula in regards to the concepts listed, so we have put that in
- 2) A lot of members in our caucus would like to see an "enforcement mechanism" even though the bill prohibits the inculcation of these concepts. Instead of going the Tennessee route and tying it to funding we have currently settled on saying any class that does contain these concepts shall not count towards graduation. Now, that could potentially drive the creation of elective

courses, but it should at least curb the concepts from getting into our standard American History and Government classes.

When I get the next draft back, I will pass it along. Thanks!

AJ

From: Stanley Kurtz <skurtz.1@starpower.net>
Sent: Monday, May 10, 2021 8:55 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Changes to Civics Draft #1

Dear AJ,

I've looked over the bill. There are a number of significant issues and changes to be discussed. Everything is easily resolved, one way or the other, but there are definitely some important issues/changes to be resolved.

Part of the problem is that my model bill has been slightly expanded and tweaked since we last communicated. Here is the latest version:

<https://www.nas.org/blogs/article/the-partisanship-out-of-civics-act>

But there are other issues as well. There is an issue about how to deal with AP courses. Most of all, I think there must have been some confusion about the need to leave out "or sex" in the key section of the bill. My model bill **already corrects for the potential androgyny problem**. Legislative Counsel's office seems to have omitted every mention of "or sex." That is neither necessary nor wise. The mention of "sex" only needs to be left out of a few provisions, and that is already done properly in the model bill.

At any rate, I will list the various issues/changes for you to decide on below.

1) **Page 2, Line 20:** The model bill says that teachers should strive to explore current controversies "from diverse **and contending** perspectives." I can't tell whether "or contending" was omitted in this draft by purposeful decision, or was simply overlooked by mistake. I have a modest preference for adding "or contending." That's because "contending" makes it more likely that teachers will really have to explore both sides. Even so, I don't think it would be a huge problem if "and contending" was omitted. It's up to you. But I guess I'd rather see it included.

2) **Page 2, Lines 28 and 30:** Since we spoke, my model bill has been tweaked to prevent lobbying at the **local**, state, or national level. A lot of action civics takes place at local bodies like city councils, school boards, police review boards, etc. So at both lines 28 and 30, the text should now read: "lobbying for

legislation at the **local**, state, or federal level"

3) **Page 2, Line 32:** Although this is not in my model bill, I would suggest adding the term **action project** here for further clarification. So the revised text should read: "(3) Any practicum, **action project**, or similar activity that involves social or public policy advocacy."

4) I notice that, at **Page 2, Line 23:** the phrase "**whether for regular credit or advanced placement credit**" has been omitted. Instead, an entirely new provision has been added at **Page 2, Lines 40-43**. This provision seriously risks creating a loophole in the law. Let me explain.

AP U.S. Government and Politics courses now often require action civics projects. By removing the reference that includes AP courses in the action civics ban, and by adding a provision that appears to exempt AP courses from the ban, in effect Ohio allows the College Board to override its ban on action civics.

To some degree, the actual effect of the law depends on the word "**curriculum**" at **Page 2, Line 41**. It could be argued that action civics projects aren't really "curricular." But the College Board does consider action civics part of the "curriculum." So the law as written here would give AP courses an exemption on the action civics ban. With a AP course enrollment expanding, that would be a huge loophole in the law. In fact, schools might react to the loophole by expanding AP enrollment still further to allow for more action civics.

If this is something you favor, that's up to you. As for me, I would recommend putting the original phrase from the model bill: "whether for regular credit or AP credit" back in, and striking the provision that exempts AP courses from the law.

An alternative approach would be to strike the AP exemption (**Page 2, Lines 40-43**) and leave the rest of the text as is. That is, simply ban action civics in all government and politics courses without mentioning the AP issue one way or the other. But again, it's up to you.

5) Throughout **Page 3, at points from Line 52--73**, the words **or sex**, and **sexist** have been removed when they **should not be removed**. **My model bill has already removed the specific "or sex" references that need to be struck or modified with additional language.**

It is definitely true that including "or sex" at certain key points could inadvertently result in mandating androgyny in the curriculum. But as noted, my model bill already corrects for this. It would be a mistake to omit every reference to "or sex." We still need to protect against false attacks on men or women because of their sex. Also, it would look very odd to leave sex out of the bill completely when it is in all the other state bills. Someone could ask why and it

might look as though you somehow favor sexism or discrimination.

I would suggest that Legislative Counsel **refer to the updated version of the model bill linked above and follow that text when listing the categories of barred concepts. Include "or sex" and "sexist" where it is included in the model bill, but nowhere else.** So, for example, at Page 3, Lines 56-60, "or sex" is omitted, and that is correct. The model bill leaves "or sex" out of those two provisions to prevent the inadvertent mandating of androgyny in the curriculum. But "or sex" and "sexist" needs to be put back in the other provisions, just as it is in my model bill.

6) Notice that the updated and expanded model bill includes two new provisions at the end of the curriculum section. In the model bill, those are provisions (B)(8)(i) and (j). These two new provisions in the model bill deal with the 1619 Project's most troubling concepts. You should **add those two provisions to the Ohio bill.**

Right now, the Ohio draft simply says that all the concepts prohibited to training are also prohibited in the curriculum as well. But there are **two new concepts specific to the curriculum section that need to be added from the expanded model bill, as noted in the paragraph immediately above.**

7) At Page 3, Line 78 the current Ohio draft says that no one in the schools system shall **"teach the concepts."** My model bill instead says that no one shall use curricula or teaching methods that **"serve to inculcate."** I strongly recommend using "serve to inculcate" instead of "teach the concepts." This is so important that it might literally effect my ability to support the bill. It seems like a minor distinction, but it's not.

It is very important that teachers be able to *discuss* the concepts of Critical Race Theory but not be permitted to preach, advocate, or *inculcate* those concepts. It's true that K-12 teachers have very limited free speech rights and states and school districts can set curriculum. But it is very unwise and may not even stand up in court to ban all *discussion* of a concept.

Critical Race Theory is out there. If a student asks about it, a teacher has to be able to respond. In fact, a teacher needs to be able to explain why CRT is bad! Saying that no-one should "teach" these concepts is dangerously vague and in danger of seeming like a ban even on discussion of the concepts. Saying that the concepts cannot be "inculcated" clearly allows for discussion, including explanations of why CRT is a bad thing.

9) Notice that the model bill includes a Section C with a provision that says if a court strikes down any given provision, the other provisions would not be effected. This is omitted in the current bill. Maybe it isn't needed or can't be included, given Ohio state law. If it can be included, however, that would be

good. These are new provisions and the CRT bans could well be challenged in court. The provision protecting the rest of the bill if one provision is struck down is important insurance.

So these are the issues and changes. Please get back to me with any further questions or issues. And whatever you decide, I would very much like to look over draft #2.

Thanks so much to you and to Rep. Jones for moving forward with this.

Stanley

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

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: Thomas, AJ
Sent: Wednesday, May 12, 2021 8:26 AM
To: 'Stanley Kurtz'
Subject: Ohio bill v2 FW: Delivery from LSC - L_134_1375-2
Attachments: L_134_1375-2.pdf

Stanley, attached is the most recent version with the additions/corrections. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 11, 2021 5:11 PM
Subject: Delivery from LSC - L_134_1375-2

Please see the attached document(s), with respect to the bill, L-134-1375-2, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

I_134_1375-2

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



From: Stanley Kurtz
Sent: Wednesday, May 12, 2021 8:30 AM
To: Thomas, AJ
Subject: Re: Ohio bill v2 FW: Delivery from LSC - L_134_1375-2

Thanks, AJ. I have some chores to do that will keep me out of pocket for this morning and early afternoon. I hope to give this a careful read and get back to you by tonight or tomorrow. Back to you soon. Thanks, again.

Stanley

Sent from my iPhone

On May 12, 2021, at 8:25 AM, AJ.Thomas@ohiohouse.gov wrote:

Stanley, attached is the most recent version with the additions/corrections. Thanks!

AJ

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<L_134_1375-2.pdf>

From: Thomas, AJ
Sent: Wednesday, May 12, 2021 8:30 AM
To: mimeguire.1020@gmail.com; Jakubowski, Joe
Subject: FW: Delivery from LSC - L_134_1375-2
Attachments: l_134_1375-2.pdf

Latest version attached. A couple of things of note:

- 1) Kurtz had a couple of additional items in his updated model legislation that this reflects to specifically combat 1619, which are points 10 & 11 I believe on the list of things not to be taught.
- 2) There are some various changes throughout
- 3) Most significantly we added an "enforcement mechanism" to say that even though these things are prohibited, if you do teach them that course will not count towards graduation requirements. We chose to do this rather than tie it to school funding because its more efficient, we don't have to worry about ODE potentially deducting their funds by a measly 10 bucks, and school funding right now is a hot-button issue that I don't think this needs tied to.
- 4) Added a section that prohibits the State Board from adopting model curricula that would cover any of the prohibited language. This is a standard thing we've been doing the last several years that we wanted to make sure we added here.

Let me know if you have anything else. Thanks!

AJ

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(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 (B)(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 a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

<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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;</u>	279
	280
<u>(5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;</u>	281
	282
<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>	283
	284
	285
<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>	286
	287
	288
<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>	289
	290
	291
<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>	292
	293
	294
<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	295
	296
	297
<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>	298
	299
	300
	301
	302
<u>(C) 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</u>	303
	304
	305
	306

practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;

(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;

(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;

(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;

(6) (a) Dismissal procedures;

(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.

(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;

(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.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365 366
(a) A detailed description of each facility used for instructional purposes;	367 368
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	369 370
(c) The annual mortgage principal and interest payments that are paid by the school;	371 372
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	373 374 375
(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.	376 377 378 379 380 381
(11) That the school will comply with the following requirements:	382 383
(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.	384 385 386
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	387 388 389
(c) The school will be nonsectarian in its programs,	390

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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.

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

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

(13) The length of the contract, which shall begin at the 480
beginning of an academic year. No contract shall exceed five 481
years unless such contract has been renewed pursuant to division 482
(E) of this section. 483

(14) The governing authority of the school, which shall be 484
responsible for carrying out the provisions of the contract; 485

(15) A financial plan detailing an estimated school budget 486
for each year of the period of the contract and specifying the 487
total estimated per pupil expenditure amount for each such year. 488

(16) Requirements and procedures regarding the disposition 489
of employees of the school in the event the contract is 490
terminated or not renewed pursuant to section 3314.07 of the 491
Revised Code; 492

(17) Whether the school is to be created by converting all 493
or part of an existing public school or educational service 494
center building or is to be a new start-up school, and if it is 495
a converted public school or service center building, 496
specification of any duties or responsibilities of an employer 497
that the board of education or service center governing board 498
that operated the school or building before conversion is 499
delegating to the governing authority of the community school 500
with respect to all or any specified group of employees provided 501
the delegation is not prohibited by a collective bargaining 502
agreement applicable to such employees; 503

(18) Provisions establishing procedures for resolving 504
disputes or differences of opinion between the sponsor and the 505
governing authority of the community school; 506

(19) A provision requiring the governing authority to 507
adopt a policy regarding the admission of students who reside 508

outside the district in which the school is located. That policy 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education, 566
auditor of state, and school's sponsor to the extent permitted 567
under and in accordance with the "Family Educational Rights and 568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 569
and any regulations promulgated under that act, and section 570
3319.321 of the Revised Code; 571

(29) If a school operates using the blended learning 572
model, as defined in section 3301.079 of the Revised Code, all 573
of the following information: 574

(a) An indication of what blended learning model or models 575
will be used; 576

(b) A description of how student instructional needs will 577
be determined and documented; 578

(c) The method to be used for determining competency, 579
granting credit, and promoting students to a higher grade level; 580

(d) The school's attendance requirements, including how 581
the school will document participation in learning 582
opportunities; 583

(e) A statement describing how student progress will be 584
monitored; 585

(f) A statement describing how private student data will 586
be protected; 587

(g) A description of the professional development 588
activities that will be offered to teachers. 589

(30) A provision requiring that all moneys the school's 590
operator loans to the school, including facilities loans or cash 591
flow assistance, must be accounted for, documented, and bear 592
interest at a fair market rate; 593

(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;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D)(2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
652

(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Michael McGuire
Sent: Wednesday, May 12, 2021 9:52 AM
To: Thomas, AJ
CC: Jakubowski, Joe
Subject: Re: FW: Delivery from LSC - L_134_1375-2

AJ:

These seem like great changes. Joe, any thoughts?

--

Michael I. McGuire
Attorney at Law
(330) 814-2780

On Wed, May 12, 2021 at 8:30 AM AJ.Thomas@ohiohouse.gov <AJ.Thomas@ohiohouse.gov> wrote:

Latest version attached. A couple of things of note:

- 1) Kurtz had a couple of additional items in his updated model legislation that this reflects to specifically combat 1619, which are points 10 & 11 I believe on the list of things not to be taught.
- 2) There are some various changes throughout
- 3) Most significantly we added an "enforcement mechanism" to say that even though these things are prohibited, if you do teach them that course will not count towards graduation requirements. We chose to do this rather than tie it to school funding because its more efficient, we don't have to worry about ODE potentially deducting their funds by a measly 10 bucks, and school funding right now is a hot-button issue that I don't think this needs tied to.
- 4) Added a section that prohibits the State Board from adopting model curricula that would cover any of the prohibited language. This is a standard thing we've been doing the last several years that we wanted to make sure we added here.

Let me know if you have anything else. Thanks!

AJ

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Tuesday, May 11, 2021 5:11 PM
Subject: Delivery from LSC - L_134_1375-2

Please see the attached document(s), with respect to the bill, L-134-1375-2, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.



From: Thomas, AJ
Sent: Wednesday, May 12, 2021 12:19 PM
To: John, Marilyn; Wing, Michael
CC: Jones, Don
Subject: CRT Bill
Attachments: l_134_1375-2.pdf

Michael & Rep. John, please see attached the bill we have drafted on critical race theory in K-12 schools. I've also pasted below the draft co-sponsor request I've drawn up. Thank you!

AJ

Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones
Date: May 10th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

I will soon be introducing legislation that will ban the teaching 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 MLK's "judge a man by the content of his character, not the color of his skin" 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 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 should 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.

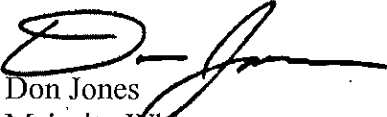
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and I 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.

The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.

Thank you for your consideration,


Don Jones
Majority Whip
House District 95

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
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I_134_1375-2

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 (B) (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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;</u>	279
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<u>(5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;</u>	281
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<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>	283
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<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>	286
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<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>	289
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<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>	292
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<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	295
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<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>	298
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<u>(C) 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</u>	303
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practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;	335 336 337 338
(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;	339 340 341 342
(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;	343 344 345 346
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	347 348 349
(6) (a) Dismissal procedures;	350
(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.	351 352 353 354 355 356
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	357 358
(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	359 360 361 362 363

117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365 366
(a) A detailed description of each facility used for instructional purposes;	367 368
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	369 370
(c) The annual mortgage principal and interest payments that are paid by the school;	371 372
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	373 374 375
(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.	376 377 378 379 380 381
(11) That the school will comply with the following requirements:	382 383
(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.	384 385 386
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	387 388 389
(c) The school will be nonsectarian in its programs,	390

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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;

(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.

(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;

(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;

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

(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 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education, 566
auditor of state, and school's sponsor to the extent permitted 567
under and in accordance with the "Family Educational Rights and 568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 569
and any regulations promulgated under that act, and section 570
3319.321 of the Revised Code; 571

(29) If a school operates using the blended learning 572
model, as defined in section 3301.079 of the Revised Code, all 573
of the following information: 574

(a) An indication of what blended learning model or models 575
will be used; 576

(b) A description of how student instructional needs will 577
be determined and documented; 578

(c) The method to be used for determining competency, 579
granting credit, and promoting students to a higher grade level; 580

(d) The school's attendance requirements, including how 581
the school will document participation in learning 582
opportunities; 583

(e) A statement describing how student progress will be 584
monitored; 585

(f) A statement describing how private student data will 586
be protected; 587

(g) A description of the professional development 588
activities that will be offered to teachers. 589

(30) A provision requiring that all moneys the school's 590
operator loans to the school, including facilities loans or cash 591
flow assistance, must be accounted for, documented, and bear 592
interest at a fair market rate; 593

(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;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the 651
contract; 652

(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
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3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
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3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

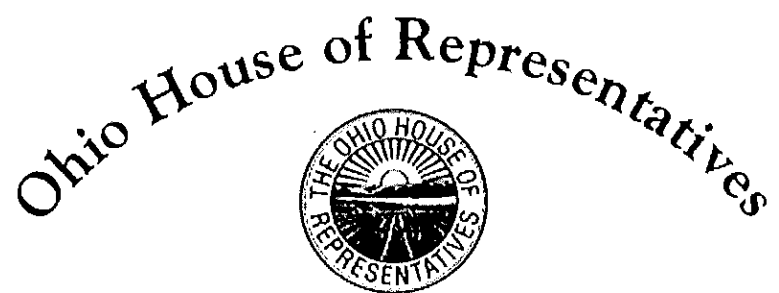
Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Rep76

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

To: House_All

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



State Representative Diane V. Grendell, 76th House District

MEMORANDUM

To: All Members of the Ohio House of Representatives

From: Representative Diane V. Grendell

Date: May 10, 2021

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

Fellow Representatives,

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.

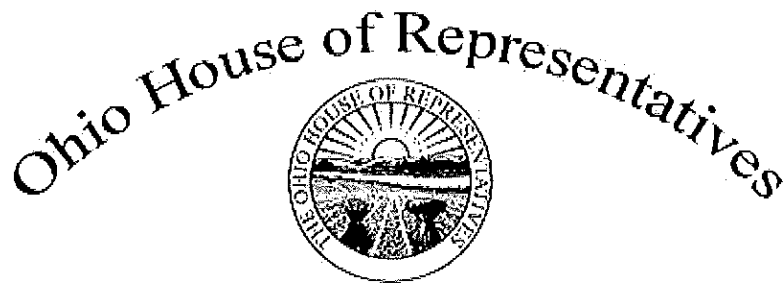
The deadline to cosponsor this legislation is **Friday, May 28th at noon**.

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 19th at 9am** in the **Majority Conference Room on the 15th floor**.

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

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

Thank you!
Representative Sarah Fowler Arthur

P.S. Please find 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_3R8BVWV17RQ8KKRY9QGC?encoding=UTF8&psc=1

<https://youtu.be/xuSMvIVtd0A>



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From: Thomas, AJ
Sent: Thursday, May 13, 2021 1:16 PM
To: Bird, Adam; Headlee, Adam
CC: Jones, Don
Subject: FW: CRT Bill
Attachments: 1_134_1375-2.pdf

Adam & Rep. Bird, please see attached the bill we have drafted on critical race theory in K-12 schools. I've also pasted below the draft co-sponsor request I've drawn up. Thank you!

AJ

Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones
Date: May 10th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

I will soon be introducing legislation that will ban the teaching 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 MLK's "judge a man by the content of his character, not the color of his skin" 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 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 should 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.

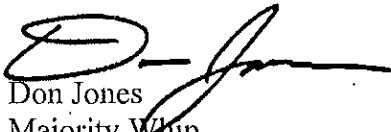
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.

All of these concepts are dangerous to our schools, and I 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.

The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.

Thank you for your consideration,


Don Jones
Majority Whip
House District 95

AJ THOMAS
Legislative Aide
Majority Whip Don Jones | Ohio's 95th House District
Ohio House of Representatives
77 South High Street, 14th Floor
Columbus, Ohio 43215
Office number: (614) 644-8728
AJ.Thomas@ohiohouse.gov

I_134_1375-2

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	19
students are expected to know and be able to do at each grade	20
level that will allow each student to be prepared for	21
postsecondary instruction and the workplace for success in the	22
twenty-first century;	23
(ii) Include the development of skill sets that promote	24
information, media, and technological literacy;	25
(iii) Include interdisciplinary, project-based, real-world	26
learning opportunities;	27
(iv) Instill life-long learning by providing essential	28
knowledge and skills based in the liberal arts tradition, as	29
well as science, technology, engineering, mathematics, and	30
career-technical education;	31
(v) Be clearly written, transparent, and understandable by	32
parents, educators, and the general public.	33
(b) Not later than July 1, 2012, the state board shall	34
incorporate into the social studies standards for grades four to	35
twelve academic content regarding the original texts of the	36
Declaration of Independence, the Northwest Ordinance, the	37
Constitution of the United States and its amendments, with	38
emphasis on the Bill of Rights, and the Ohio Constitution, and	39
their original context. The state board shall revise the model	40
curricula and achievement assessments adopted under divisions	41
(B) and (C) of this section as necessary to reflect the	42
additional American history and American government content. The	43
state board shall make available a list of suggested grade-	44
appropriate supplemental readings that place the documents	45
prescribed by this division in their historical context, which	46

teachers may use as a resource to assist students in reading the documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A)(1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A)(1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A)(1)(a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 (B) (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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not</u>	279
<u>attempt to treat others without respect to race or sex;</u>	280
<u>(5) An individual's moral standing or worth is necessarily</u>	281
<u>determined by the individual's race or sex;</u>	282
<u>(6) An individual, by virtue of the individual's race or</u>	283
<u>sex, bears responsibility for actions committed in the past by</u>	284
<u>other members of the same race or sex;</u>	285
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	286
<u>or any other form of psychological distress on account of the</u>	287
<u>individual's race or sex;</u>	288
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	289
<u>racist or sexist or were created by members of a particular race</u>	290
<u>or sex to oppress members of another race or sex;</u>	291
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	292
<u>sex or to members of that race or sex because of their race or</u>	293
<u>sex;</u>	294
<u>(10) The advent of slavery in the territory that is now</u>	295
<u>the United States constituted the true founding of the United</u>	296
<u>States;</u>	297
<u>(11) With respect to their relationship to American</u>	298
<u>values, slavery and racism are anything other than deviations</u>	299
<u>from, betrayals of, or failures to live up to the authentic</u>	300
<u>founding principles of the United States, which include liberty</u>	301
<u>and equality.</u>	302
<u>(C) No teacher or school administrator employed by a</u>	303
<u>school district or employee of a state agency shall approve for</u>	304
<u>use, make use of, or carry out standards, curricula, lesson</u>	305
<u>plans, textbooks, instructional materials, or instructional</u>	306

practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;	335 336 337 338
(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;	339 340 341 342
(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;	343 344 345 346
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	347 348 349
(6) (a) Dismissal procedures;	350
(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.	351 352 353 354 355 356
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	357 358
(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	359 360 361 362 363

117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365 366
(a) A detailed description of each facility used for instructional purposes;	367 368
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	369 370
(c) The annual mortgage principal and interest payments that are paid by the school;	371 372
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	373 374 375
(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.	376 377 378 379 380 381
(11) That the school will comply with the following requirements:	382 383
(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.	384 385 386
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	387 388 389
(c) The school will be nonsectarian in its programs,	390

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXVIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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.

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

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

(13) The length of the contract, which shall begin at the 480
beginning of an academic year. No contract shall exceed five 481
years unless such contract has been renewed pursuant to division 482
(E) of this section. 483

(14) The governing authority of the school, which shall be 484
responsible for carrying out the provisions of the contract; 485

(15) A financial plan detailing an estimated school budget 486
for each year of the period of the contract and specifying the 487
total estimated per pupil expenditure amount for each such year. 488

(16) Requirements and procedures regarding the disposition 489
of employees of the school in the event the contract is 490
terminated or not renewed pursuant to section 3314.07 of the 491
Revised Code; 492

(17) Whether the school is to be created by converting all 493
or part of an existing public school or educational service 494
center building or is to be a new start-up school, and if it is 495
a converted public school or service center building, 496
specification of any duties or responsibilities of an employer 497
that the board of education or service center governing board 498
that operated the school or building before conversion is 499
delegating to the governing authority of the community school 500
with respect to all or any specified group of employees provided 501
the delegation is not prohibited by a collective bargaining 502
agreement applicable to such employees; 503

(18) Provisions establishing procedures for resolving 504
disputes or differences of opinion between the sponsor and the 505
governing authority of the community school; 506

(19) A provision requiring the governing authority to 507
adopt a policy regarding the admission of students who reside 508

outside the district in which the school is located. That policy 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education, 566
auditor of state, and school's sponsor to the extent permitted 567
under and in accordance with the "Family Educational Rights and 568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 569
and any regulations promulgated under that act, and section 570
3319.321 of the Revised Code; 571

(29) If a school operates using the blended learning 572
model, as defined in section 3301.079 of the Revised Code, all 573
of the following information: 574

(a) An indication of what blended learning model or models 575
will be used; 576

(b) A description of how student instructional needs will 577
be determined and documented; 578

(c) The method to be used for determining competency, 579
granting credit, and promoting students to a higher grade level; 580

(d) The school's attendance requirements, including how 581
the school will document participation in learning 582
opportunities; 583

(e) A statement describing how student progress will be 584
monitored; 585

(f) A statement describing how private student data will 586
be protected; 587

(g) A description of the professional development 588
activities that will be offered to teachers. 589

(30) A provision requiring that all moneys the school's 590
operator loans to the school, including facilities loans or cash 591
flow assistance, must be accounted for, documented, and bear 592
interest at a fair market rate; 593

(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;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D)(2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
652

(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

From: Stanley Kurtz
Sent: Friday, May 14, 2021 7:00 AM
To: Thomas, AJ
Subject: Checking In on Bill

Dear AJ,

I just wanted to let you know that I haven't forgotten about the second bill draft. I was hoping to review it yesterday but several battles turned up that I had to deal with. I hope to get back to you on the second draft by this afternoon.

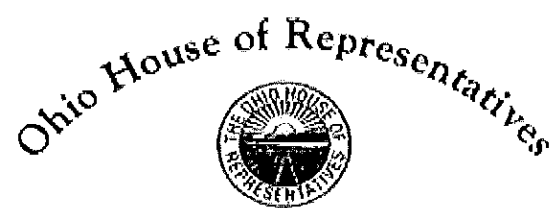
Stanley

From: Thomas, AJ
Sent: Friday, May 14, 2021 9:14 AM
To: Michael McGuire; Jakubowski, Joe
Subject: Fwd: CRT Bill

FYI- co-sponsor request (below) will be going out later this AM and Rep. Adam Bird will be the joint sponsor

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AJ



Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones
Date: May 10th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

I will soon be introducing legislation that will ban the teaching 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 MLK's "judge a man by the content of his character, not the color of his skin" 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 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;
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- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
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- (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 should 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 I 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.

The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.

A handwritten signature in black ink, appearing to read 'Don Jones', with a stylized flourish at the end.

Thank you for your consideration,

Don Jones
Majority Whip
House District 95

AJ THOMAS
Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov



From: Thomas, AJ
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam
BCC: GOP_All
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
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The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66

From: McClain, Riordan
Sent: Friday, May 14, 2021 10:21 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Add me

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Thomas, AJ" <AJ.Thomas@ohiohouse.gov>
Date: 5/14/21 10:15 AM (GMT-05:00)
To: "Headlee, Adam" <Adam.Headlee@ohiohouse.gov>
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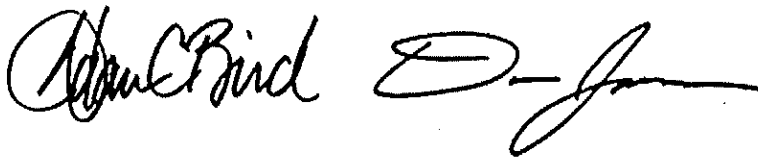
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Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: McClain, Riordan
Sent: Friday, May 14, 2021 10:21 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Add me

Sent from my Verizon, Samsung Galaxy smartphone

----- Original message -----

From: "Thomas, AJ" <AJ.Thomas@ohiohouse.gov>
Date: 5/14/21 10:15 AM (GMT-05:00)
To: "Headlee, Adam" <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



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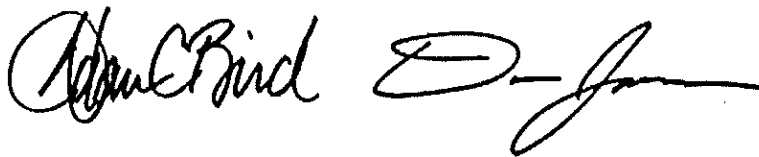
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Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Friday, May 14, 2021 10:22 AM
To: McClain, Riordan
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it. Thank you, Representative!

From: McClain, Riordan <Riordan.McClain@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:21 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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Sent from my Verizon, Samsung Galaxy smartphone

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Date: 5/14/21 10:15 AM (GMT-05:00)
To: "Headlee, Adam" <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools



Representatives Don Jones & Adam Bird

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Date: May 14th, 2021

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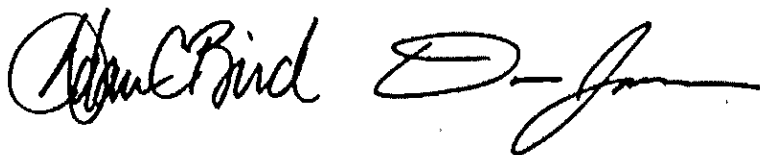
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If you wish to co-sponsor this legislation or have any questions, please contact AJ Thomas at 614-644-8728 or at AJ.Thomas@ohiohouse.gov or Adam Headlee at Adam.Headlee@ohiohouse.gov or 614-644-6034.

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

The image shows two handwritten signatures in black ink. The signature on the left is 'Adam Bird' and the signature on the right is 'Adam Headlee'.

Thank you for your consideration,

Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Holmes, Adam
Sent: Friday, May 14, 2021 10:25 AM
To: Thomas, AJ
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

AJ,

Please add me as a co-sponsor. Many thanks!

Rep Holmes

Sent from my iPhone

On May 14, 2021, at 10:15, Thomas, AJ <AJ.Thomas@ohiohouse.gov> wrote:

<image002.jpg>

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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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.

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<image007.png>

<image008.png>

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Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Thomas, AJ
Sent: Friday, May 14, 2021 10:27 AM
To: Holmes, Adam
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it. Thank you, Representative!

From: Holmes, Adam <Adam.Holmes@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:25 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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<image007.png>

<image008.png>

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Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66

From: Michael McGuire
Sent: Friday, May 14, 2021 10:44 AM
To: Thomas, AJ
CC: Jakubowski, Joe
Subject: Re: CRT Bill

Thanks for the update, AJ! This co-sponsor request is clear and concise. Well done.

--

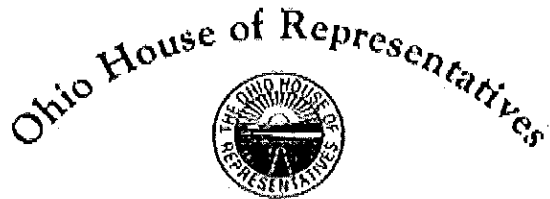
Michael I. McGuire
Attorney at Law
(330) 814-2780

On Fri, May 14, 2021 at 9:14 AM AJ.Thomas@ohiohouse.gov <AJ.Thomas@ohiohouse.gov> wrote:

FYI- co-sponsor request (below) will be going out later this AM and Rep. Adam Bird will be the joint sponsor

Get [Outlook for iOS](#)

AJ



Representative Don Jones

MEMORANDUM

To: GOP Members
From: Representatives Don Jones

Date: May 10th, 2021

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

Colleagues,

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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 MLK’s “judge a man by the content of his character, not the color of his skin” 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.

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The deadline for co-sponsoring this legislation is DAY, MONTH DATE, TIME.



Thank you for your consideration,

Don Jones
Majority Whip
House District 95

AJ THOMAS
Legislative Aide

Majority Whip Don Jones | Ohio's 95th House District

Ohio House of Representatives

77 South High Street, 14th Floor

Columbus, Ohio 43215

Office number: (614) 644-8728

AJ.Thomas@ohiohouse.gov



From: Gross, Levi
Sent: Friday, May 14, 2021 10:51 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Hello AJ,

Could you send me the bill text for this legislation?

Best,

A handwritten signature in black ink, appearing to read "Levi Gross".



Levi Gross
Legislative Aide- Representative Tracy Richardson, 86th District
O. 614-466-8147 | C. 717-659-2302 | Levi.gross@ohiohouse.gov
77 S High St, Columbus, OH 43215

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Representatives Don Jones & Adam Bird

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To: GOP Members
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Don Jones
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House District 95

Adam Bird
State Representative
House District 66



From: Quinn, Ryan
Sent: Friday, May 14, 2021 10:53 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Rep. Plummer would like to co-sponsor.

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

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From: Thomas, AJ
Sent: Friday, May 14, 2021 10:57 AM
To: Gross, Levi
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools
Attachments: l_134_1375-2.pdf

Attached, and if you could just keep it between you and your boss, we would appreciate it. Thanks!

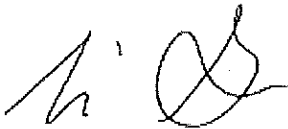
AJ

From: Gross, Levi <Levi.Gross@ohiohouse.gov>
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- (7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race or sex;
- (8) Meritocracy or traits such as a hard work ethic are racist or sexist or were created by members of a particular race or sex to oppress members of another race or sex;
- (9) Fault, blame, or bias should be assigned to a race or sex or to members of that race or sex because of their race or sex;
- (10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- (11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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

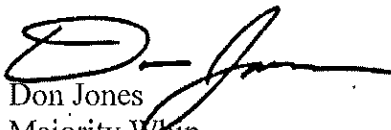
This bill has been introduced in many other states, primarily Texas & Idaho, and has been endorsed by the editorial board of National Review, and the model legislation has been endorsed by the National Association of Scholars.


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

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

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

Thank you for your consideration,


Don Jones
Majority Whip
House District 95


Adam Bird
State Representative
House District 66

I_134_1375-2

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



wq6odxxehckg2mcgb4wxqw

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 (B) (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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not</u>	279
<u>attempt to treat others without respect to race or sex;</u>	280
<u>(5) An individual's moral standing or worth is necessarily</u>	281
<u>determined by the individual's race or sex;</u>	282
<u>(6) An individual, by virtue of the individual's race or</u>	283
<u>sex, bears responsibility for actions committed in the past by</u>	284
<u>other members of the same race or sex;</u>	285
<u>(7) An individual should feel discomfort, guilt, anguish,</u>	286
<u>or any other form of psychological distress on account of the</u>	287
<u>individual's race or sex;</u>	288
<u>(8) Meritocracy or traits such as a hard work ethic are</u>	289
<u>racist or sexist or were created by members of a particular race</u>	290
<u>or sex to oppress members of another race or sex;</u>	291
<u>(9) Fault, blame, or bias should be assigned to a race or</u>	292
<u>sex or to members of that race or sex because of their race or</u>	293
<u>sex;</u>	294
<u>(10) The advent of slavery in the territory that is now</u>	295
<u>the United States constituted the true founding of the United</u>	296
<u>States;</u>	297
<u>(11) With respect to their relationship to American</u>	298
<u>values, slavery and racism are anything other than deviations</u>	299
<u>from, betrayals of, or failures to live up to the authentic</u>	300
<u>founding principles of the United States, which include liberty</u>	301
<u>and equality.</u>	302
<u>(C) No teacher or school administrator employed by a</u>	303
<u>school district or employee of a state agency shall approve for</u>	304
<u>use, make use of, or carry out standards, curricula, lesson</u>	305
<u>plans, textbooks, instructional materials, or instructional</u>	306

practices that serve to inculcate the concepts described in 307
divisions (B) (1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B) (1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;	335 336 337 338
(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;	339 340 341 342
(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;	343 344 345 346
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	347 348 349
(6) (a) Dismissal procedures;	350
(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.	351 352 353 354 355 356
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	357 358
(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	359 360 361 362 363

117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365 366
(a) A detailed description of each facility used for instructional purposes;	367 368
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	369 370
(c) The annual mortgage principal and interest payments that are paid by the school;	371 372
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	373 374 375
(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.	376 377 378 379 380 381
(11) That the school will comply with the following requirements:	382 383
(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.	384 385 386
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	387 388 389
(c) The school will be nonsectarian in its programs,	390

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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;

(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.

(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;

(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;

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

(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 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education,	566
auditor of state, and school's sponsor to the extent permitted	567
under and in accordance with the "Family Educational Rights and	568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended,	569
and any regulations promulgated under that act, and section	570
3319.321 of the Revised Code;	571
(29) If a school operates using the blended learning	572
model, as defined in section 3301.079 of the Revised Code, all	573
of the following information:	574
(a) An indication of what blended learning model or models	575
will be used;	576
(b) A description of how student instructional needs will	577
be determined and documented;	578
(c) The method to be used for determining competency,	579
granting credit, and promoting students to a higher grade level;	580
(d) The school's attendance requirements, including how	581
the school will document participation in learning	582
opportunities;	583
(e) A statement describing how student progress will be	584
monitored;	585
(f) A statement describing how private student data will	586
be protected;	587
(g) A description of the professional development	588
activities that will be offered to teachers.	589
(30) A provision requiring that all moneys the school's	590
operator loans to the school, including facilities loans or cash	591
flow assistance, must be accounted for, documented, and bear	592
interest at a fair market rate;	593

(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;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D) (2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the 651
contract; 652

(5) Take steps to intervene in the school's operation to 653
correct problems in the school's overall performance, declare 654
the school to be on probationary status pursuant to section 655
3314.073 of the Revised Code, suspend the operation of the 656
school pursuant to section 3314.072 of the Revised Code, or 657
terminate the contract of the school pursuant to section 3314.07 658
of the Revised Code as determined necessary by the sponsor; 659

(6) Have in place a plan of action to be undertaken in the 660
event the community school experiences financial difficulties or 661
closes prior to the end of a school year. 662

(E) Upon the expiration of a contract entered into under 663
this section, the sponsor of a community school may, with the 664
approval of the governing authority of the school, renew that 665
contract for a period of time determined by the sponsor, but not 666
ending earlier than the end of any school year, if the sponsor 667
finds that the school's compliance with applicable laws and 668
terms of the contract and the school's progress in meeting the 669
academic goals prescribed in the contract have been 670
satisfactory. Any contract that is renewed under this division 671
remains subject to the provisions of sections 3314.07, 3314.072, 672
and 3314.073 of the Revised Code. 673

(F) If a community school fails to open for operation 674
within one year after the contract entered into under this 675
section is adopted pursuant to division (D) of section 3314.02 676
of the Revised Code or permanently closes prior to the 677
expiration of the contract, the contract shall be void and the 678
school shall not enter into a contract with any other sponsor. A 679
school shall not be considered permanently closed because the 680

operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721



From: Thomas, AJ
Sent: Friday, May 14, 2021 10:57 AM
To: Quinn, Ryan
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Got it thanks!

From: Quinn, Ryan <Ryan.Quinn@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:53 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Rep. Plummer would like to co-sponsor.

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:16 AM
To: Headlee, Adam <Adam.Headlee@ohiohouse.gov>
Subject: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Representatives Don Jones & Adam Bird

MEMORANDUM

To: GOP Members
From: Representatives Don Jones & Adam Bird
Date: May 14th, 2021
Re: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Colleagues,

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

CRT is a divisive and flat-out wrong theory that is racism disguised as combating racism. CRT is dangerous because it teaches that people are inherently bad or racist because of the color of their skin. Leftist “woke-ism” has come a long way from Martin Luther King, Jr.’s dream where

people would “not be judged by the color of their skin but by the content of their character” to flat out saying “The only remedy to racist discrimination is antiracist discrimination. The only remedy to past discrimination is present discrimination. The only remedy to present discrimination is future discrimination.” and so on.

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

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

Specifically this bill will prevent our schools from inculcating:

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

(11) With respect to their relationship to American values, slavery and racism are anything other than deviations from, betrayals of, or failures to live up to the authentic founding principles of the United States, which include liberty and equality.

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

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


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


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

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

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

Thank you for your consideration,


Don Jones
Majority Whip
House District 95

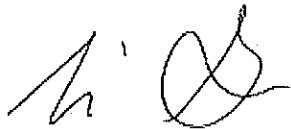

Adam Bird
State Representative
House District 66

From: Gross, Levi
Sent: Friday, May 14, 2021 10:57 AM
To: Thomas, AJ
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Understood.

Our office will not share the language.

Best,



Levi Gross
Legislative Aide- Representative Tracy Richardson, 86th District
O. 614-466-8147 | C. 717-659-2302 | Levi.gross@ohiohouse.gov
77 S High St, Columbus, OH 43215

From: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:57 AM
To: Gross, Levi <Levi.Gross@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Attached, and if you could just keep it between you and your boss, we would appreciate it. Thanks!

AJ



From: Gross, Levi <Levi.Gross@ohiohouse.gov>
Sent: Friday, May 14, 2021 10:51 AM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Subject: RE: Co-Sponsor Request: Prohibiting Critical Race Theory, Action Civics in Schools

Hello AJ,

Could you send me the bill text for this legislation?

Best,

A handwritten signature in black ink, appearing to read "Levi Gross".



Levi Gross
Legislative Aide- Representative Tracy Richardson, 86th District
O. 614-466-8147 | C. 717-659-2302 | Levi.gross@ohiohouse.gov
77 S High St, Columbus, OH 43215

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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.

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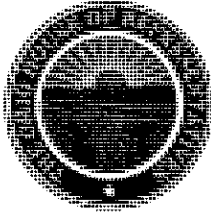
The deadline for co-sponsoring this legislation is Wednesday, May 19th at 5:00pm.

Thank you for your consideration,



Don Jones
Majority Whip
House District 95

Adam Bird
State Representative
House District 66



OHIO HOUSE OF REPRESENTATIVES

Majority Communications Department

For Immediate Release:

May 25, 2021

Rep. Jones introduces bill to prohibit Critical Race Theory in K-12 Education

COLUMBUS — Today Representative Don Jones (R-Freeport) introduced HB XXX that will prohibit critical race theory and action civics in Ohio's K-12 curriculum.

House Bill XXX will prohibit any state agency, school district, or school from teaching, instructing, or training any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts among others:

- That One race or sex is inherently superior to another race or sex;
- An individual, by virtue of the individual's race or sex, 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 the individual's race
- An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- 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
- The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- 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.

“Critical race theory is a dangerous and flat-out wrong theory. It is designed to look at everything from a ‘race first’ lens, which is the very definition of racism. CRT claiming to fight racism is laughable. Students should not be asked to ‘examine their whiteness’ or ‘check their privilege.’” said Jones. “This anti-American doctrine has no place in Ohio’s schools since 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 documents, which as President Lincoln said are “based on the proposition that all men are created equal. We must protect the integrity of our education system in order to ensure that Ohio’s youth is receiving a top-tier education, which will not be possible if CRT is allowed to be taught in our schools.”

The bill will also prohibit students from being forced to advocate and lobby for specific positions at the local, state or federal level. It also prohibits the State Board of Education from adopting any model curricula based on these concepts. The bill will make it so that any class that does contain any elements of the above concepts does not count towards state graduation requirements.

House Bill XXX now awaits a committee assignment.

Prohibits ODE from adopting model curricula:

At no time shall the state board adopt any model curriculum under this section regarding the concepts described in divisions (A)(1) to (11) of section 3313.6028 of the Revised Code.

Schools, districts, or the state cannot require a teacher to discuss current events.

Geography class is geography class and as such a teacher may not be compelled to discuss a current event.

No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.

CURRENT EVENTS MAY STILL BE TAUGHT, but they must be taught willingly by the teacher. If the teacher does choose to discuss current events it must be viewpoint-neutral and observe both sides of the argument.

It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.

ACTION CIVICS: no student may be graded or compelled to participate in lobbying on a specific issue at any level of government. Classrooms are for learning-not advocating and lobbying. Students should not be used to further a teacher, administrator, school, or district's political agenda.

In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:

- (1) Student work for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the local, state, or federal level or in social or public policy advocacy;
- (2) Lobbying for legislation at the local, state, or federal level;
- (3) Any practicum, action project, or similar activity that involves social or public policy advocacy.

FUNDING- no school, district, or ODE shall accept outside funding for the development of curriculum. Strings are always attached to money. This provision is so no school is accepting money with requirements they teach certain things.

ONLY FOR CURRICULUM- schools may still accept funds for a school trip to Gettysburg, etc.

No state agency or school district shall accept private funding for curriculum development, purchase or selection of curricular materials, teacher training, professional development, or continuing teacher education pertaining to courses on history, civics, United States government and politics, social studies, or similar subject areas.

WHAT IS ACTUALLY PROHIBITED:

No state agency, school district or shall teach, instruct, or train any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts:

- (1) One race or sex is inherently superior 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;
- (4) Members of one race cannot or should not attempt to treat others without respect to race;
- (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.

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.

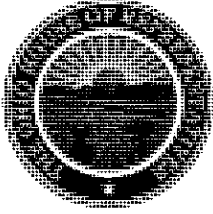
(10) & (11) are designed to specifically combat the false history that is the 1619 project and other false histories that are counterfactual to real history and what actually happened. The unfortunate, but all too real parts of our country's history CAN & MUST be taught. However, to say we are a country founded on racism is simply wrong.

ENFORCEMENT- no class that has any or part of any of the above items shall not count towards state graduation requirements. It puts a child's future direct in the hands of teachers/administrators and if they choose to push a political agenda they will severely impact a student's education

If a student completes a course that includes any of the concepts described in divisions (A)(1) to (11) of this section, that course shall not count towards the requirements for high school graduation specified in section 3313.603 of the Revised Code.

TEACHERS' RIGHTS- no teacher shall be forced to believe anything.

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



OHIO HOUSE OF REPRESENTATIVES

Majority Communications Department

For Immediate Release:

May 25, 2021

Rep. Jones introduces bill to prohibit Critical Race Theory in K-12 Education

COLUMBUS — Today Representative Don Jones (R-Freeport) introduced HB XXX that will prohibit critical race theory and action civics in Ohio's K-12 curriculum.

House Bill XXX will prohibit any state agency, school district, or school from teaching, instructing, or training any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts among others:

- That One race or sex is inherently superior to another race or sex;
- An individual, by virtue of the individual's race or sex, 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 the individual's race
- An individual's moral standing or worth is necessarily determined by the individual's race or sex;
- 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
- The advent of slavery in the territory that is now the United States constituted the true founding of the United States;
- 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.

“Critical race theory is a dangerous and flat-out wrong theory. It is designed to look at everything from a ‘race first’ lens, which is the very definition of racism. CRT claiming to fight racism is laughable. Students should not be asked to ‘examine their whiteness’ or ‘check their privilege.’” said Jones. “This anti-American doctrine has no place in Ohio’s schools since 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 documents, which as President Lincoln said are “based on the proposition that all men are created equal. We must protect the integrity of our education system in order to ensure that Ohio’s youth is receiving a top-tier education, which will not be possible if CRT is allowed to be taught in our schools.”

The bill will also prohibit students from being forced to advocate and lobby for specific positions at the local, state or federal level. It also prohibits the State Board of Education from adopting any model curricula based on these concepts. The bill will make it so that any class that does contain any elements of the above concepts does not count towards state graduation requirements.

House Bill XXX now awaits a committee assignment.

-30-

For more information, contact the office of Rep. Jones at (614) 644-8728 or Rep95@ohiohouse.gov.

Reviewed As To Form By
Legislative Service Commission

I_134_1375

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 3313.6028 of the Revised
Code regarding the teaching of certain current
events and certain concepts regarding race and
sex in public schools.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 3313.6028 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) No state agency, school district, or
school administration shall require a teacher of history,
civics, United States government and politics, social studies,
or similar subject areas who is employed by the board of
education of a school district to discuss current events or
widely debated and currently controversial issues of public
policy or social affairs.

It is the policy of this state that teachers who choose to
discuss current events or widely debated and currently



controversial issues of public policy or social affairs, to the 18
best of their abilities, shall strive to explore such issues 19
from diverse perspectives. 20

(B) In any course on history, civics, United States 21
government and politics, social studies, or a similar subject 22
area, no school district shall require, make part of such a 23
course, or award course grading or credit for any of the 24
following: 25

(1) Student work for, affiliation with, or service 26
learning in association with any organization engaged in 27
lobbying for legislation at the state or federal level or in 28
social or public policy advocacy; 29

(2) Lobbying for legislation at the state or federal 30
level; 31

(3) Any practicum or similar activity that involves social 32
or public policy advocacy. 33

(C) No state agency or school district shall accept 34
private funding for curriculum development, purchase or 35
selection of curricular materials, teacher training, 36
professional development, or continuing teacher education 37
pertaining to courses on history, United States government and 38
politics, social studies, or similar subject areas. 39

(D) Nothing in this section exempts a teacher who is 40
teaching advanced placement courses from teaching the curriculum 41
that is required by the national organization that administers 42
the advanced placement program. 43

Sec. 3313.6028. (A) No state agency, school district, or 44
school administration shall require a teacher to affirm a belief 45
in the so-called systemic nature of racism, or similar ideas, 46

that is contrary to the teacher's sincerely held religious or philosophical convictions. 47
48

(B) No state agency or school district shall teach, instruct, or train any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts: 49
50
51

(1) One race is inherently superior to another race; 52

(2) An individual, by virtue of the individual's race, is inherently racist or oppressive, whether consciously or unconsciously; 53
54
55

(3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race; 56
57
58

(4) Members of one race cannot or should not attempt to treat others without respect to race; 59
60

(5) An individual's moral standing or worth is necessarily determined by the individual's race; 61
62

(6) An individual, by virtual of the individual's race, bears responsibility for actions committed in the past by other members of the same race; 63
64
65

(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race; 66
67
68

(8) Meritocracy or traits such as a hard work ethic are racist or were created by members of a particular race to oppress members of another race; 69
70
71

(9) Fault, blame, or bias should be assigned to a race or to members of that race because of their race. 72
73

(C) 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 teach the concepts described in divisions (B) (1) to (9) of this section.

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

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

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

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

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

(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;

(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;

(4) Performance standards, including but not limited to	103
all applicable report card measures set forth in section 3302.03	104
or 3314.017 of the Revised Code, by which the success of the	105
school will be evaluated by the sponsor;	106
(5) The admission standards of section 3314.06 of the	107
Revised Code and, if applicable, section 3314.061 of the Revised	108
Code;	109
(6) (a) Dismissal procedures;	110
(b) A requirement that the governing authority adopt an	111
attendance policy that includes a procedure for automatically	112
withdrawing a student from the school if the student without a	113
legitimate excuse fails to participate in seventy-two	114
consecutive hours of the learning opportunities offered to the	115
student.	116
(7) The ways by which the school will achieve racial and	117
ethnic balance reflective of the community it serves;	118
(8) Requirements for financial audits by the auditor of	119
state. The contract shall require financial records of the	120
school to be maintained in the same manner as are financial	121
records of school districts, pursuant to rules of the auditor of	122
state. Audits shall be conducted in accordance with section	123
117.10 of the Revised Code.	124
(9) An addendum to the contract outlining the facilities	125
to be used that contains at least the following information:	126
(a) A detailed description of each facility used for	127
instructional purposes;	128
(b) The annual costs associated with leasing each facility	129
that are paid by or on behalf of the school;	130

(c) The annual mortgage principal and interest payments	131
that are paid by the school;	132
(d) The name of the lender or landlord, identified as	133
such, and the lender's or landlord's relationship to the	134
operator, if any.	135
(10) Qualifications of teachers, including a requirement	136
that the school's classroom teachers be licensed in accordance	137
with sections 3319.22 to 3319.31 of the Revised Code, except	138
that a community school may engage noncertificated persons to	139
teach up to twelve hours or forty hours per week pursuant to	140
section 3319.301 of the Revised Code.	141
(11) That the school will comply with the following	142
requirements:	143
(a) The school will provide learning opportunities to a	144
minimum of twenty-five students for a minimum of nine hundred	145
twenty hours per school year.	146
(b) The governing authority will purchase liability	147
insurance, or otherwise provide for the potential liability of	148
the school.	149
(c) The school will be nonsectarian in its programs,	150
admission policies, employment practices, and all other	151
operations, and will not be operated by a sectarian school or	152
religious institution.	153
(d) The school will comply with sections 9.90, 9.91,	154
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	155
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	156
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012,	157
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024,	158
3313.6025, <u>3313.6027</u> , <u>3313.6028</u> , 3313.643, 3313.648, 3313.6411,	159

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668,	160
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673,	161
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112,	162
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818,	163
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078,	164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02,	165
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17,	166
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262,	167
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742.,	168
4112., 4123., 4141., and 4167. of the Revised Code as if it were	169
a school district and will comply with section 3301.0714 of the	170
Revised Code in the manner specified in section 3314.17 of the	171
Revised Code.	172
(e) The school shall comply with Chapter 102. and section	173
2921.42 of the Revised Code.	174
(f) The school will comply with sections 3313.61,	175
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the	176
Revised Code, except that for students who enter ninth grade for	177
the first time before July 1, 2010, the requirement in sections	178
3313.61 and 3313.611 of the Revised Code that a person must	179
successfully complete the curriculum in any high school prior to	180
receiving a high school diploma may be met by completing the	181
curriculum adopted by the governing authority of the community	182
school rather than the curriculum specified in Title XXXIII of	183
the Revised Code or any rules of the state board of education.	184
Beginning with students who enter ninth grade for the first time	185
on or after July 1, 2010, the requirement in sections 3313.61	186
and 3313.611 of the Revised Code that a person must successfully	187
complete the curriculum of a high school prior to receiving a	188
high school diploma shall be met by completing the requirements	189
prescribed in division (C) of section 3313.603 of the Revised	190

Code, unless the person qualifies under division (D) or (F) of 191
that section. Each school shall comply with the plan for 192
awarding high school credit based on demonstration of subject 193
area competency, and beginning with the 2017-2018 school year, 194
with the updated plan that permits students enrolled in seventh 195
and eighth grade to meet curriculum requirements based on 196
subject area competency adopted by the state board of education 197
under divisions (J)(1) and (2) of section 3313.603 of the 198
Revised Code. Beginning with the 2018-2019 school year, the 199
school shall comply with the framework for granting units of 200
high school credit to students who demonstrate subject area 201
competency through work-based learning experiences, internships, 202
or cooperative education developed by the department under 203
division (J)(3) of section 3313.603 of the Revised Code. 204

(g) The school governing authority will submit within four 205
months after the end of each school year a report of its 206
activities and progress in meeting the goals and standards of 207
divisions (A)(3) and (4) of this section and its financial 208
status to the sponsor and the parents of all students enrolled 209
in the school. 210

(h) The school, unless it is an internet- or computer- 211
based community school, will comply with section 3313.801 of the 212
Revised Code as if it were a school district. 213

(i) If the school is the recipient of moneys from a grant 214
awarded under the federal race to the top program, Division (A), 215
Title XIV, Sections 14005 and 14006 of the "American Recovery 216
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 217
the school will pay teachers based upon performance in 218
accordance with section 3317.141 and will comply with section 219
3319.111 of the Revised Code as if it were a school district. 220

(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.	221 222 223 224 225 226
(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:	227 228 229
(i) An internet- or computer-based community school;	230
(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.	231 232 233
(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.	234 235 236 237
(12) Arrangements for providing health and other benefits to employees;	238 239
(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.	240 241 242 243
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	244 245
(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.	246 247 248

(16) Requirements and procedures regarding the disposition	249
of employees of the school in the event the contract is	250
terminated or not renewed pursuant to section 3314.07 of the	251
Revised Code;	252
(17) Whether the school is to be created by converting all	253
or part of an existing public school or educational service	254
center building or is to be a new start-up school, and if it is	255
a converted public school or service center building,	256
specification of any duties or responsibilities of an employer	257
that the board of education or service center governing board	258
that operated the school or building before conversion is	259
delegating to the governing authority of the community school	260
with respect to all or any specified group of employees provided	261
the delegation is not prohibited by a collective bargaining	262
agreement applicable to such employees;	263
(18) Provisions establishing procedures for resolving	264
disputes or differences of opinion between the sponsor and the	265
governing authority of the community school;	266
(19) A provision requiring the governing authority to	267
adopt a policy regarding the admission of students who reside	268
outside the district in which the school is located. That policy	269
shall comply with the admissions procedures specified in	270
sections 3314.06 and 3314.061 of the Revised Code and, at the	271
sole discretion of the authority, shall do one of the following:	272
(a) Prohibit the enrollment of students who reside outside	273
the district in which the school is located;	274
(b) Permit the enrollment of students who reside in	275
districts adjacent to the district in which the school is	276
located;	277

(c) Permit the enrollment of students who reside in any other district in the state.	278 279
(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;	280 281 282 283
(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;	284 285 286
(22) A provision recognizing both of the following:	287
(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;	288 289 290 291
(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.	292 293 294 295 296 297 298
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	299 300 301 302 303 304
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	305 306

be taken by a school district pursuant to those sections shall 307
be taken by the sponsor of the school. However, the sponsor 308
shall not be required to take any action described in division 309
(F) of section 3302.04 of the Revised Code. 310

(25) Beginning in the 2006-2007 school year, the school 311
will open for operation not later than the thirtieth day of 312
September each school year, unless the mission of the school as 313
specified under division (A)(2) of this section is solely to 314
serve dropouts. In its initial year of operation, if the school 315
fails to open by the thirtieth day of September, or within one 316
year after the adoption of the contract pursuant to division (D) 317
of section 3314.02 of the Revised Code if the mission of the 318
school is solely to serve dropouts, the contract shall be void. 319

(26) Whether the school's governing authority is planning 320
to seek designation for the school as a STEM school equivalent 321
under section 3326.032 of the Revised Code; 322

(27) That the school's attendance and participation 323
policies will be available for public inspection; 324

(28) That the school's attendance and participation 325
records shall be made available to the department of education, 326
auditor of state, and school's sponsor to the extent permitted 327
under and in accordance with the "Family Educational Rights and 328
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 329
and any regulations promulgated under that act, and section 330
3319.321 of the Revised Code; 331

(29) If a school operates using the blended learning 332
model, as defined in section 3301.079 of the Revised Code, all 333
of the following information: 334

(a) An indication of what blended learning model or models 335

will be used;	336
(b) A description of how student instructional needs will be determined and documented;	337 338
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	339 340
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	341 342 343
(e) A statement describing how student progress will be monitored;	344 345
(f) A statement describing how private student data will be protected;	346 347
(g) A description of the professional development activities that will be offered to teachers.	348 349
(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;	350 351 352 353
(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.	354 355 356 357 358
(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.	359 360 361 362 363

(33) A provision requiring the governing authority to 364
adopt a student residence and address verification policy for 365
students enrolling in or attending the school. 366

(B) The community school shall also submit to the sponsor 367
a comprehensive plan for the school. The plan shall specify the 368
following: 369

(1) The process by which the governing authority of the 370
school will be selected in the future; 371

(2) The management and administration of the school; 372

(3) If the community school is a currently existing public 373
school or educational service center building, alternative 374
arrangements for current public school students who choose not 375
to attend the converted school and for teachers who choose not 376
to teach in the school or building after conversion; 377

(4) The instructional program and educational philosophy 378
of the school; 379

(5) Internal financial controls. 380

When submitting the plan under this division, the school 381
shall also submit copies of all policies and procedures 382
regarding internal financial controls adopted by the governing 383
authority of the school. 384

(C) A contract entered into under section 3314.02 of the 385
Revised Code between a sponsor and the governing authority of a 386
community school may provide for the community school governing 387
authority to make payments to the sponsor, which is hereby 388
authorized to receive such payments as set forth in the contract 389
between the governing authority and the sponsor. The total 390
amount of such payments for monitoring, oversight, and technical 391

assistance of the school shall not exceed three per cent of the 392
total amount of payments for operating expenses that the school 393
receives from the state. 394

(D) The contract shall specify the duties of the sponsor 395
which shall be in accordance with the written agreement entered 396
into with the department of education under division (B) of 397
section 3314.015 of the Revised Code and shall include the 398
following: 399

(1) Monitor the community school's compliance with all 400
laws applicable to the school and with the terms of the 401
contract; 402

(2) Monitor and evaluate the academic and fiscal 403
performance and the organization and operation of the community 404
school on at least an annual basis; 405

(3) Report on an annual basis the results of the 406
evaluation conducted under division (D)(2) of this section to 407
the department of education and to the parents of students 408
enrolled in the community school; 409

(4) Provide technical assistance to the community school 410
in complying with laws applicable to the school and terms of the 411
contract; 412

(5) Take steps to intervene in the school's operation to 413
correct problems in the school's overall performance, declare 414
the school to be on probationary status pursuant to section 415
3314.073 of the Revised Code, suspend the operation of the 416
school pursuant to section 3314.072 of the Revised Code, or 417
terminate the contract of the school pursuant to section 3314.07 418
of the Revised Code as determined necessary by the sponsor; 419

(6) Have in place a plan of action to be undertaken in the 420

event the community school experiences financial difficulties or 421
closes prior to the end of a school year. 422

(E) Upon the expiration of a contract entered into under 423
this section, the sponsor of a community school may, with the 424
approval of the governing authority of the school, renew that 425
contract for a period of time determined by the sponsor, but not 426
ending earlier than the end of any school year, if the sponsor 427
finds that the school's compliance with applicable laws and 428
terms of the contract and the school's progress in meeting the 429
academic goals prescribed in the contract have been 430
satisfactory. Any contract that is renewed under this division 431
remains subject to the provisions of sections 3314.07, 3314.072, 432
and 3314.073 of the Revised Code. 433

(F) If a community school fails to open for operation 434
within one year after the contract entered into under this 435
section is adopted pursuant to division (D) of section 3314.02 436
of the Revised Code or permanently closes prior to the 437
expiration of the contract, the contract shall be void and the 438
school shall not enter into a contract with any other sponsor. A 439
school shall not be considered permanently closed because the 440
operations of the school have been suspended pursuant to section 441
3314.072 of the Revised Code. 442

Sec. 3326.11. Each science, technology, engineering, and 443
mathematics school established under this chapter and its 444
governing body shall comply with sections 9.90, 9.91, 109.65, 445
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 446
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 447
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 448
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3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 460
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 461
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 462
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 463
4112., 4123., 4141., and 4167. of the Revised Code as if it were 464
a school district. 465

Section 2. That existing sections 3314.03 and 3326.11 of 466
the Revised Code are hereby repealed. 467

Section 3. The General Assembly, applying the principle 468
stated in division (B) of section 1.52 of the Revised Code that 469
amendments are to be harmonized if reasonably capable of 470
simultaneous operation, finds that the following sections, 471
presented in this act as composites of the sections as amended 472
by the acts indicated, are the resulting versions of the 473
sections in effect prior to the effective date of the sections 474
as presented in this act: 475

Section 3314.03 of the Revised Code as amended by H.B. 476
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 477
89, all of the 133rd General Assembly. 478

Section 3326.11 of the Revised Code as amended by H.B. 479
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 480

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General Assembly.

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I_134_1375-1

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 and 3313.6028 of 2
the Revised Code regarding the teaching of 3
certain current events and certain concepts 4
regarding race and sex in public schools. 5

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

Section 1. That sections 3301.079, 3314.03, and 3326.11 be 6
amended and sections 3313.6027 and 3313.6028 of the Revised Code 7
be enacted to read as follows: 8

Sec. 3301.079. (A) (1) The state board of education 9
periodically shall adopt statewide academic standards with 10
emphasis on coherence, focus, and essential knowledge and that 11
are more challenging and demanding when compared to 12
international standards for each of grades kindergarten through 13
twelve in English language arts, mathematics, science, and 14
social studies. 15

(a) The state board shall ensure that the standards do all 16
of the following: 17



(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;	18 19 20 21 22
(ii) Include the development of skill sets that promote information, media, and technological literacy;	23 24
(iii) Include interdisciplinary, project-based, real-world learning opportunities;	25 26
(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;	27 28 29 30
(v) Be clearly written, transparent, and understandable by parents, educators, and the general public.	31 32
(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 teachers may use as a resource to assist students in reading the	33 34 35 36 37 38 39 40 41 42 43 44 45 46

documents within that context. 47

(c) When the state board adopts or revises academic 48
content standards in social studies, American history, American 49
government, or science under division (A)(1) of this section, 50
the state board shall develop such standards independently and 51
not as part of a multistate consortium. 52

(2) After completing the standards required by division 53
(A)(1) of this section, the state board shall adopt standards 54
and model curricula for instruction in technology, financial 55
literacy and entrepreneurship, fine arts, and foreign language 56
for grades kindergarten through twelve. The standards shall meet 57
the same requirements prescribed in division (A)(1)(a) of this 58
section. 59

(3) The state board shall adopt the most recent standards 60
developed by the national association for sport and physical 61
education for physical education in grades kindergarten through 62
twelve or shall adopt its own standards for physical education 63
in those grades and revise and update them periodically. 64

The department of education shall employ a full-time 65
physical education coordinator to provide guidance and technical 66
assistance to districts, community schools, and STEM schools in 67
implementing the physical education standards adopted under this 68
division. The superintendent of public instruction shall 69
determine that the person employed as coordinator is qualified 70
for the position, as demonstrated by possessing an adequate 71
combination of education, license, and experience. 72

(4) Not later than December 31, 2018, the state board 73
shall adopt standards and a model curriculum for instruction in 74
computer science in grades kindergarten through twelve, which 75

shall include standards for introductory and advanced computer 76
science courses in grades nine through twelve. When developing 77
the standards and curriculum, the state board shall consider 78
recommendations from computer science education stakeholder 79
groups, including teachers and representatives from higher 80
education, industry, computer science organizations in Ohio, and 81
national computer science organizations. 82

Any district or school may utilize the computer science 83
standards or model curriculum or any part thereof adopted 84
pursuant to division (A)(4) of this section. However, no 85
district or school shall be required to utilize all or any part 86
of the standards or curriculum. 87

(5) When academic standards have been completed for any 88
subject area required by this section, the state board shall 89
inform all school districts, all community schools established 90
under Chapter 3314. of the Revised Code, all STEM schools 91
established under Chapter 3326. of the Revised Code, and all 92
nonpublic schools required to administer the assessments 93
prescribed by sections 3301.0710 and 3301.0712 of the Revised 94
Code of the content of those standards. Additionally, upon 95
completion of any academic standards under this section, the 96
department shall post those standards on the department's web 97
site. 98

(B)(1) The state board shall adopt a model curriculum for 99
instruction in each subject area for which updated academic 100
standards are required by division (A)(1) of this section and 101
for each of grades kindergarten through twelve that is 102
sufficient to meet the needs of students in every community. The 103
model curriculum shall be aligned with the standards, to ensure 104
that the academic content and skills specified for each grade 105

level are taught to students, and shall demonstrate vertical 106
articulation and emphasize coherence, focus, and rigor. When any 107
model curriculum has been completed, the state board shall 108
inform all school districts, community schools, and STEM schools 109
of the content of that model curriculum. 110

At no time shall the state board adopt any model 111
curriculum under this section regarding the concepts described 112
in divisions (B) (1) to (11) of section 3313.6028 of the Revised 113
Code. 114

(2) Not later than June 30, 2013, the state board, in 115
consultation with any office housed in the governor's office 116
that deals with workforce development, shall adopt model 117
curricula for grades kindergarten through twelve that embed 118
career connection learning strategies into regular classroom 119
instruction. 120

(3) All school districts, community schools, and STEM 121
schools may utilize the state standards and the model curriculum 122
established by the state board, together with other relevant 123
resources, examples, or models to ensure that students have the 124
opportunity to attain the academic standards. Upon request, the 125
department shall provide technical assistance to any district, 126
community school, or STEM school in implementing the model 127
curriculum. 128

Nothing in this section requires any school district to 129
utilize all or any part of a model curriculum developed under 130
this section. 131

(C) The state board shall develop achievement assessments 132
aligned with the academic standards and model curriculum for 133
each of the subject areas and grade levels required by divisions 134

(A) (1) and (B) (1) of section 3301.0710 of the Revised Code. 135

When any achievement assessment has been completed, the 136
state board shall inform all school districts, community 137
schools, STEM schools, and nonpublic schools required to 138
administer the assessment of its completion, and the department 139
shall make the achievement assessment available to the districts 140
and schools. 141

(D) (1) The state board shall adopt a diagnostic assessment 142
aligned with the academic standards and model curriculum for 143
each of grades kindergarten through two in reading, writing, and 144
mathematics and for grade three in reading and writing. The 145
diagnostic assessment shall be designed to measure student 146
comprehension of academic content and mastery of related skills 147
for the relevant subject area and grade level. Any diagnostic 148
assessment shall not include components to identify gifted 149
students. Blank copies of diagnostic assessments shall be public 150
records. 151

(2) When each diagnostic assessment has been completed, 152
the state board shall inform all school districts of its 153
completion and the department shall make the diagnostic 154
assessment available to the districts at no cost to the 155
district. 156

(3) School districts shall administer the diagnostic 157
assessment pursuant to section 3301.0715 of the Revised Code 158
beginning the first school year following the development of the 159
assessment. 160

However, beginning with the 2017-2018 school year, both of 161
the following shall apply: 162

(a) In the case of the diagnostic assessments for grades 163

one or two in writing or mathematics or for grade three in 164
writing, a school district shall not be required to administer 165
any such assessment, but may do so at the discretion of the 166
district board; 167

(b) In the case of any diagnostic assessment that is not 168
for the grade levels and subject areas specified in division (D) 169
(3)(a) of this section, each school district shall administer 170
the assessment in the manner prescribed by section 3301.0715 of 171
the Revised Code. 172

(E) The state board shall not adopt a diagnostic or 173
achievement assessment for any grade level or subject area other 174
than those specified in this section. 175

(F) Whenever the state board or the department consults 176
with persons for the purpose of drafting or reviewing any 177
standards, diagnostic assessments, achievement assessments, or 178
model curriculum required under this section, the state board or 179
the department shall first consult with parents of students in 180
kindergarten through twelfth grade and with active Ohio 181
classroom teachers, other school personnel, and administrators 182
with expertise in the appropriate subject area. Whenever 183
practicable, the state board and department shall consult with 184
teachers recognized as outstanding in their fields. 185

If the department contracts with more than one outside 186
entity for the development of the achievement assessments 187
required by this section, the department shall ensure the 188
interchangeability of those assessments. 189

(G) Whenever the state board adopts standards or model 190
curricula under this section, the department also shall provide 191
information on the use of blended or digital learning in the 192

delivery of the standards or curricula to students in accordance 193
with division (A) (5) of this section. 194

(H) The fairness sensitivity review committee, established 195
by rule of the state board of education, shall not allow any 196
question on any achievement or diagnostic assessment developed 197
under this section or any proficiency test prescribed by former 198
section 3301.0710 of the Revised Code, as it existed prior to 199
September 11, 2001, to include, be written to promote, or 200
inquire as to individual moral or social values or beliefs. The 201
decision of the committee shall be final. This section does not 202
create a private cause of action. 203

(I) Not later than sixty days prior to the adoption by the 204
state board of updated academic standards under division (A) (1) 205
of this section or updated model curricula under division (B) (1) 206
of this section, the superintendent of public instruction shall 207
present the academic standards or model curricula, as 208
applicable, in person at a public hearing of the respective 209
committees of the house of representatives and senate that 210
consider education legislation. 211

(J) As used in this section: 212

(1) "Blended learning" means the delivery of instruction 213
in a combination of time in a supervised physical location away 214
from home and online delivery whereby the student has some 215
element of control over time, place, path, or pace of learning. 216

(2) "Coherence" means a reflection of the structure of the 217
discipline being taught. 218

(3) "Digital learning" means learning facilitated by 219
technology that gives students some element of control over 220
time, place, path, or pace of learning. 221

(4) "Focus" means limiting the number of items included in a curriculum to allow for deeper exploration of the subject matter. 222
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(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines. 225
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Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs. 231
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It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives. 238
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(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following: 243
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(1) Student work for, affiliation with, or service learning in association with any organization engaged in lobbying for legislation at the local, state, or federal level 248
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<u>or in social or public policy advocacy;</u>	251
<u>(2) Lobbying for legislation at the local, state, or federal level;</u>	252
	253
<u>(3) Any practicum, action project, or similar activity that involves social or public policy advocacy.</u>	254
	255
<u>(C) No state agency or school district shall accept private funding for curriculum development, purchase or selection of curricular materials, teacher training, professional development, or continuing teacher education pertaining to courses on history, United States government and politics, social studies, or similar subject areas.</u>	256
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<u>Sec. 3313.6028. (A) No state agency, school district, or school administration shall require a teacher to affirm a belief in the so-called systemic nature of racism, or similar ideas, that is contrary to the teacher's sincerely held religious or philosophical convictions.</u>	262
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<u>(B) No state agency or school district shall teach, instruct, or train any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts:</u>	267
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<u>(1) One race or sex is inherently superior to another race or sex;</u>	270
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<u>(2) An individual, by virtue of the individual's race or sex, is inherently racist, sexist, or oppressive, whether consciously or unconsciously;</u>	272
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	274
<u>(3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race or sex;</u>	275
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	277
<u>(4) Members of one race or sex cannot or should not</u>	278

<u>attempt to treat others without respect to race or sex;</u>	279
<u>(5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;</u>	280 281
<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>	282 283 284
<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>	285 286 287
<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>	288 289 290
<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>	291 292 293
<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	294 295 296
<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>	297 298 299 300 301
<u>(C) 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</u>	302 303 304 305 306

<u>divisions (B)(1) to (11) of this section.</u>	307
<u>(D) If a student completes a course that includes any of</u>	308
<u>the concepts described in divisions (B)(1) to (11) of this</u>	309
<u>section, that course shall not count towards the requirements</u>	310
<u>for high school graduation specified in section 3313.603 of the</u>	311
<u>Revised Code.</u>	312
Sec. 3314.03. A copy of every contract entered into under	313
this section shall be filed with the superintendent of public	314
instruction. The department of education shall make available on	315
its web site a copy of every approved, executed contract filed	316
with the superintendent under this section.	317
(A) Each contract entered into between a sponsor and the	318
governing authority of a community school shall specify the	319
following:	320
(1) That the school shall be established as either of the	321
following:	322
(a) A nonprofit corporation established under Chapter	323
1702. of the Revised Code, if established prior to April 8,	324
2003;	325
(b) A public benefit corporation established under Chapter	326
1702. of the Revised Code, if established after April 8, 2003.	327
(2) The education program of the school, including the	328
school's mission, the characteristics of the students the school	329
is expected to attract, the ages and grades of students, and the	330
focus of the curriculum;	331
(3) The academic goals to be achieved and the method of	332
measurement that will be used to determine progress toward those	333
goals, which shall include the statewide achievement	334

assessments;	335
(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;	336 337 338 339
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	340 341 342
(6) (a) Dismissal procedures;	343
(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.	344 345 346 347 348 349
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	350 351
(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.	352 353 354 355 356 357
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	358 359
(a) A detailed description of each facility used for instructional purposes;	360 361
(b) The annual costs associated with leasing each facility	362

that are paid by or on behalf of the school;	363
(c) The annual mortgage principal and interest payments that are paid by the school;	364 365
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	366 367 368
(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.	369 370 371 372 373 374
(11) That the school will comply with the following requirements:	375 376
(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.	377 378 379
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	380 381 382
(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.	383 384 385 386
(d) The school will comply with sections 9.90, 9.91, 109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012,	387 388 389 390

3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024,	391
3313.6025, <u>3313.6027, 3313.6028,</u> 3313.643, 3313.648, 3313.6411,	392
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668,	393
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673,	394
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112,	395
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818,	396
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078,	397
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02,	398
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17,	399
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262,	400
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742.,	401
4112., 4123., 4141., and 4167. of the Revised Code as if it were	402
a school district and will comply with section 3301.0714 of the	403
Revised Code in the manner specified in section 3314.17 of the	404
Revised Code.	405
(e) The school shall comply with Chapter 102. and section	406
2921.42 of the Revised Code.	407
(f) The school will comply with sections 3313.61,	408
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the	409
Revised Code, except that for students who enter ninth grade for	410
the first time before July 1, 2010, the requirement in sections	411
3313.61 and 3313.611 of the Revised Code that a person must	412
successfully complete the curriculum in any high school prior to	413
receiving a high school diploma may be met by completing the	414
curriculum adopted by the governing authority of the community	415
school rather than the curriculum specified in Title XXXIII of	416
the Revised Code or any rules of the state board of education.	417
Beginning with students who enter ninth grade for the first time	418
on or after July 1, 2010, the requirement in sections 3313.61	419
and 3313.611 of the Revised Code that a person must successfully	420
complete the curriculum of a high school prior to receiving a	421

high school diploma shall be met by completing the requirements 422
prescribed in division (C) of section 3313.603 of the Revised 423
Code, unless the person qualifies under division (D) or (F) of 424
that section. Each school shall comply with the plan for 425
awarding high school credit based on demonstration of subject 426
area competency, and beginning with the 2017-2018 school year, 427
with the updated plan that permits students enrolled in seventh 428
and eighth grade to meet curriculum requirements based on 429
subject area competency adopted by the state board of education 430
under divisions (J) (1) and (2) of section 3313.603 of the 431
Revised Code. Beginning with the 2018-2019 school year, the 432
school shall comply with the framework for granting units of 433
high school credit to students who demonstrate subject area 434
competency through work-based learning experiences, internships, 435
or cooperative education developed by the department under 436
division (J) (3) of section 3313.603 of the Revised Code. 437

(g) The school governing authority will submit within four 438
months after the end of each school year a report of its 439
activities and progress in meeting the goals and standards of 440
divisions (A) (3) and (4) of this section and its financial 441
status to the sponsor and the parents of all students enrolled 442
in the school. 443

(h) The school, unless it is an internet- or computer- 444
based community school, will comply with section 3313.801 of the 445
Revised Code as if it were a school district. 446

(i) If the school is the recipient of moneys from a grant 447
awarded under the federal race to the top program, Division (A), 448
Title XIV, Sections 14005 and 14006 of the "American Recovery 449
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 450
the school will pay teachers based upon performance in 451

accordance with section 3317.141 and will comply with section 452
3319.111 of the Revised Code as if it were a school district. 453

(j) If the school operates a preschool program that is 454
licensed by the department of education under sections 3301.52 455
to 3301.59 of the Revised Code, the school shall comply with 456
sections 3301.50 to 3301.59 of the Revised Code and the minimum 457
standards for preschool programs prescribed in rules adopted by 458
the state board under section 3301.53 of the Revised Code. 459

(k) The school will comply with sections 3313.6021 and 460
3313.6023 of the Revised Code as if it were a school district 461
unless it is either of the following: 462

(i) An internet- or computer-based community school; 463

(ii) A community school in which a majority of the 464
enrolled students are children with disabilities as described in 465
division (A)(4)(b) of section 3314.35 of the Revised Code. 466

(l) The school will comply with section 3321.191 of the 467
Revised Code, unless it is an internet- or computer-based 468
community school that is subject to section 3314.261 of the 469
Revised Code. 470

(12) Arrangements for providing health and other benefits 471
to employees; 472

(13) The length of the contract, which shall begin at the 473
beginning of an academic year. No contract shall exceed five 474
years unless such contract has been renewed pursuant to division 475
(E) of this section. 476

(14) The governing authority of the school, which shall be 477
responsible for carrying out the provisions of the contract; 478

(15) A financial plan detailing an estimated school budget 479

for each year of the period of the contract and specifying the	480
total estimated per pupil expenditure amount for each such year.	481
(16) Requirements and procedures regarding the disposition	482
of employees of the school in the event the contract is	483
terminated or not renewed pursuant to section 3314.07 of the	484
Revised Code;	485
(17) Whether the school is to be created by converting all	486
or part of an existing public school or educational service	487
center building or is to be a new start-up school, and if it is	488
a converted public school or service center building,	489
specification of any duties or responsibilities of an employer	490
that the board of education or service center governing board	491
that operated the school or building before conversion is	492
delegating to the governing authority of the community school	493
with respect to all or any specified group of employees provided	494
the delegation is not prohibited by a collective bargaining	495
agreement applicable to such employees;	496
(18) Provisions establishing procedures for resolving	497
disputes or differences of opinion between the sponsor and the	498
governing authority of the community school;	499
(19) A provision requiring the governing authority to	500
adopt a policy regarding the admission of students who reside	501
outside the district in which the school is located. That policy	502
shall comply with the admissions procedures specified in	503
sections 3314.06 and 3314.061 of the Revised Code and, at the	504
sole discretion of the authority, shall do one of the following:	505
(a) Prohibit the enrollment of students who reside outside	506
the district in which the school is located;	507
(b) Permit the enrollment of students who reside in	508

districts adjacent to the district in which the school is	509
located;	510
(c) Permit the enrollment of students who reside in any	511
other district in the state.	512
(20) A provision recognizing the authority of the	513
department of education to take over the sponsorship of the	514
school in accordance with the provisions of division (C) of	515
section 3314.015 of the Revised Code;	516
(21) A provision recognizing the sponsor's authority to	517
assume the operation of a school under the conditions specified	518
in division (B) of section 3314.073 of the Revised Code;	519
(22) A provision recognizing both of the following:	520
(a) The authority of public health and safety officials to	521
inspect the facilities of the school and to order the facilities	522
closed if those officials find that the facilities are not in	523
compliance with health and safety laws and regulations;	524
(b) The authority of the department of education as the	525
community school oversight body to suspend the operation of the	526
school under section 3314.072 of the Revised Code if the	527
department has evidence of conditions or violations of law at	528
the school that pose an imminent danger to the health and safety	529
of the school's students and employees and the sponsor refuses	530
to take such action.	531
(23) A description of the learning opportunities that will	532
be offered to students including both classroom-based and non-	533
classroom-based learning opportunities that is in compliance	534
with criteria for student participation established by the	535
department under division (H) (2) of section 3314.08 of the	536
Revised Code;	537

(24) The school will comply with sections 3302.04 and 538
3302.041 of the Revised Code, except that any action required to 539
be taken by a school district pursuant to those sections shall 540
be taken by the sponsor of the school. However, the sponsor 541
shall not be required to take any action described in division 542
(F) of section 3302.04 of the Revised Code. 543

(25) Beginning in the 2006-2007 school year, the school 544
will open for operation not later than the thirtieth day of 545
September each school year, unless the mission of the school as 546
specified under division (A)(2) of this section is solely to 547
serve dropouts. In its initial year of operation, if the school 548
fails to open by the thirtieth day of September, or within one 549
year after the adoption of the contract pursuant to division (D)
of section 3314.02 of the Revised Code if the mission of the 550
school is solely to serve dropouts, the contract shall be void. 551
552

(26) Whether the school's governing authority is planning 553
to seek designation for the school as a STEM school equivalent 554
under section 3326.032 of the Revised Code; 555

(27) That the school's attendance and participation 556
policies will be available for public inspection; 557

(28) That the school's attendance and participation 558
records shall be made available to the department of education, 559
auditor of state, and school's sponsor to the extent permitted 560
under and in accordance with the "Family Educational Rights and 561
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 562
and any regulations promulgated under that act, and section 563
3319.321 of the Revised Code; 564

(29) If a school operates using the blended learning 565
model, as defined in section 3301.079 of the Revised Code, all 566

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

student's parent to notify the community school in which the 594
student is enrolled when there is a change in the location of 595
the parent's or student's primary residence. 596

(33) A provision requiring the governing authority to 597
adopt a student residence and address verification policy for 598
students enrolling in or attending the school. 599

(B) The community school shall also submit to the sponsor 600
a comprehensive plan for the school. The plan shall specify the 601
following: 602

(1) The process by which the governing authority of the 603
school will be selected in the future; 604

(2) The management and administration of the school; 605

(3) If the community school is a currently existing public 606
school or educational service center building, alternative 607
arrangements for current public school students who choose not 608
to attend the converted school and for teachers who choose not 609
to teach in the school or building after conversion; 610

(4) The instructional program and educational philosophy 611
of the school; 612

(5) Internal financial controls. 613

When submitting the plan under this division, the school 614
shall also submit copies of all policies and procedures 615
regarding internal financial controls adopted by the governing 616
authority of the school. 617

(C) A contract entered into under section 3314.02 of the 618
Revised Code between a sponsor and the governing authority of a 619
community school may provide for the community school governing 620
authority to make payments to the sponsor, which is hereby 621

authorized to receive such payments as set forth in the contract 622
between the governing authority and the sponsor. The total 623
amount of such payments for monitoring, oversight, and technical 624
assistance of the school shall not exceed three per cent of the 625
total amount of payments for operating expenses that the school 626
receives from the state. 627

(D) The contract shall specify the duties of the sponsor 628
which shall be in accordance with the written agreement entered 629
into with the department of education under division (B) of 630
section 3314.015 of the Revised Code and shall include the 631
following: 632

(1) Monitor the community school's compliance with all 633
laws applicable to the school and with the terms of the 634
contract; 635

(2) Monitor and evaluate the academic and fiscal 636
performance and the organization and operation of the community 637
school on at least an annual basis; 638

(3) Report on an annual basis the results of the 639
evaluation conducted under division (D)(2) of this section to 640
the department of education and to the parents of students 641
enrolled in the community school; 642

(4) Provide technical assistance to the community school 643
in complying with laws applicable to the school and terms of the 644
contract; 645

(5) Take steps to intervene in the school's operation to 646
correct problems in the school's overall performance, declare 647
the school to be on probationary status pursuant to section 648
3314.073 of the Revised Code, suspend the operation of the 649
school pursuant to section 3314.072 of the Revised Code, or 650

terminate the contract of the school pursuant to section 3314.07 651
of the Revised Code as determined necessary by the sponsor; 652

(6) Have in place a plan of action to be undertaken in the 653
event the community school experiences financial difficulties or 654
closes prior to the end of a school year. 655

(E) Upon the expiration of a contract entered into under 656
this section, the sponsor of a community school may, with the 657
approval of the governing authority of the school, renew that 658
contract for a period of time determined by the sponsor, but not 659
ending earlier than the end of any school year, if the sponsor 660
finds that the school's compliance with applicable laws and 661
terms of the contract and the school's progress in meeting the 662
academic goals prescribed in the contract have been 663
satisfactory. Any contract that is renewed under this division 664
remains subject to the provisions of sections 3314.07, 3314.072, 665
and 3314.073 of the Revised Code. 666

(F) If a community school fails to open for operation 667
within one year after the contract entered into under this 668
section is adopted pursuant to division (D) of section 3314.02 669
of the Revised Code or permanently closes prior to the 670
expiration of the contract, the contract shall be void and the 671
school shall not enter into a contract with any other sponsor. A 672
school shall not be considered permanently closed because the 673
operations of the school have been suspended pursuant to section 674
3314.072 of the Revised Code. 675

Sec. 3326.11. Each science, technology, engineering, and 676
mathematics school established under this chapter and its 677
governing body shall comply with sections 9.90, 9.91, 109.65, 678
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 679
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 680

3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 681
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 682
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 683
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 684
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 685
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 686
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 687
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 688
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 689
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 690
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 691
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 692
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 693
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 694
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 695
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 696
4112., 4123., 4141., and 4167. of the Revised Code as if it were 697
a school district. 698

Section 2. That existing sections 3301.079, 3314.03, and 699
3326.11 of the Revised Code are hereby repealed. 700

Section 3. The General Assembly, applying the principle 701
stated in division (B) of section 1.52 of the Revised Code that 702
amendments are to be harmonized if reasonably capable of 703
simultaneous operation, finds that the following sections, 704
presented in this act as composites of the sections as amended 705
by the acts indicated, are the resulting versions of the 706
sections in effect prior to the effective date of the sections 707
as presented in this act: 708

Section 3314.03 of the Revised Code as amended by H.B. 709
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 710

89, all of the 133rd General Assembly.	711
Section 3326.11 of the Revised Code as amended by H.B.	712
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd	713
General Assembly.	714

From: Thomas, AJ
Sent: Wednesday, April 7, 2021 2:39 PM
To: 'Michael McGuire'
CC: Jakubowski, Joe
Subject: RE: Following up

Cell is good [REDACTED] if you don't have it anymore.

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Sent: Wednesday, April 07, 2021 2:37 PM
To: Thomas, AJ <AJ.Thomas@ohiohouse.gov>
Cc: Jakubowski, Joe <jakubowski.22@buckeyemail.osu.edu>
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(330) 814-2780

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Sent: Tuesday, April 6, 2021 4:27 PM

To: Jakubowski, Joe <jakubowski.22@buckeyemail.osu.edu>; aj.thomas@ohiohouse.gov

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Subject: Re: Following up

Confirmed on my end!

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April 26, 2021

Monday

April 2021

Su	Mo	Tu	We	Th	Fr	Sa
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May 2021

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MONDAY		Notes
	26	
7 AM		
8		
9		
10		
11	<div style="background-color: #cccccc; padding: 2px;"> Divisive Concepts Legislation Meeting Thomas, AJ </div>	Stanley Kurtz (Critical Race Theory)
12 PM		
1		
2		
3	<div style="border: 1px solid black; padding: 2px;"> Leadership call </div>	
4		
5		
6		
	7:00pm - 8:00pm Fireman meeting	

Thomas, AJ

From: Thomas, AJ
Sent: Monday, May 10, 2021 2:48 PM
To: Crum, Dwight
Subject: FW: Delivery from LSC - L_134_1375
Attachments: L_134_1375.pdf

From: LSC_Delivery@lsc.ohio.gov <LSC_Delivery@lsc.ohio.gov>
Sent: Friday, May 07, 2021 10:27 PM
Subject: Delivery from LSC - L_134_1375

Please see the attached document(s), with respect to the bill, L-134-1375, requested from LSC.

If you have any questions about this assignment or want any changes made to it, please contact Carol Napp, cnapp@lsc.ohio.gov, who worked on the assignment, or John Rau, jrau@lsc.ohio.gov, or Hannah Wann, hwann@lsc.ohio.gov, who reviewed it.

I_134_1375

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 3313.6028 of the Revised
Code regarding the teaching of certain current
events and certain concepts regarding race and
sex in public schools.

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

Section 1. That sections 3314.03 and 3326.11 be amended
and sections 3313.6027 and 3313.6028 of the Revised Code be
enacted to read as follows:

Sec. 3313.6027. (A) No state agency, school district, or
school administration shall require a teacher of history,
civics, United States government and politics, social studies,
or similar subject areas who is employed by the board of
education of a school district to discuss current events or
widely debated and currently controversial issues of public
policy or social affairs.

It is the policy of this state that teachers who choose to
discuss current events or widely debated and currently

controversial issues of public policy or social affairs, to the 18
best of their abilities, shall strive to explore such issues 19
from diverse perspectives. 20

(B) In any course on history, civics, United States 21
government and politics, social studies, or a similar subject 22
area, no school district shall require, make part of such a 23
course, or award course grading or credit for any of the 24
following: 25

(1) Student work for, affiliation with, or service 26
learning in association with any organization engaged in 27
lobbying for legislation at the state or federal level or in 28
social or public policy advocacy; 29

(2) Lobbying for legislation at the state or federal 30
level; 31

(3) Any practicum or similar activity that involves social 32
or public policy advocacy. 33

(C) No state agency or school district shall accept 34
private funding for curriculum development, purchase or 35
selection of curricular materials, teacher training, 36
professional development, or continuing teacher education 37
pertaining to courses on history, United States government and 38
politics, social studies, or similar subject areas. 39

(D) Nothing in this section exempts a teacher who is 40
teaching advanced placement courses from teaching the curriculum 41
that is required by the national organization that administers 42
the advanced placement program. 43

Sec. 3313.6028. (A) No state agency, school district, or 44
school administration shall require a teacher to affirm a belief 45
in the so-called systemic nature of racism, or similar ideas, 46

that is contrary to the teacher's sincerely held religious or philosophical convictions. 47
48

(B) No state agency or school district shall teach, instruct, or train any administrator, teacher, staff, member, or employee to adopt or believe any of the following concepts: 49
50
51

(1) One race is inherently superior to another race; 52

(2) An individual, by virtue of the individual's race, is inherently racist or oppressive, whether consciously or unconsciously; 53
54
55

(3) An individual should be discriminated against or receive adverse treatment solely or partly because of the individual's race; 56
57
58

(4) Members of one race cannot or should not attempt to treat others without respect to race; 59
60

(5) An individual's moral standing or worth is necessarily determined by the individual's race; 61
62

(6) An individual, by virtual of the individual's race, bears responsibility for actions committed in the past by other members of the same race; 63
64
65

(7) An individual should feel discomfort, guilt, anguish, or any other form of psychological distress on account of the individual's race; 66
67
68

(8) Meritocracy or traits such as a hard work ethic are racist or were created by members of a particular race to oppress members of another race; 69
70
71

(9) Fault, blame, or bias should be assigned to a race or to members of that race because of their race. 72
73

(C) 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 teach the concepts described in divisions (B)(1) to (9) of this section.

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

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

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

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

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

(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;

(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;

(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;	103 104 105 106
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	107 108 109
(6) (a) Dismissal procedures;	110
(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.	111 112 113 114 115 116
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	117 118
(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.	119 120 121 122 123 124
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	125 126
(a) A detailed description of each facility used for instructional purposes;	127 128
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	129 130

(c) The annual mortgage principal and interest payments	131
that are paid by the school;	132
(d) The name of the lender or landlord, identified as	133
such, and the lender's or landlord's relationship to the	134
operator, if any.	135
(10) Qualifications of teachers, including a requirement	136
that the school's classroom teachers be licensed in accordance	137
with sections 3319.22 to 3319.31 of the Revised Code, except	138
that a community school may engage noncertificated persons to	139
teach up to twelve hours or forty hours per week pursuant to	140
section 3319.301 of the Revised Code.	141
(11) That the school will comply with the following	142
requirements:	143
(a) The school will provide learning opportunities to a	144
minimum of twenty-five students for a minimum of nine hundred	145
twenty hours per school year.	146
(b) The governing authority will purchase liability	147
insurance, or otherwise provide for the potential liability of	148
the school.	149
(c) The school will be nonsectarian in its programs,	150
admission policies, employment practices, and all other	151
operations, and will not be operated by a sectarian school or	152
religious institution.	153
(d) The school will comply with sections 9.90, 9.91,	154
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710,	155
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472,	156
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012,	157
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024,	158
3313.6025, <u>3313.6027</u> , <u>3313.6028</u> , 3313.643, 3313.648, 3313.6411,	159

3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 160
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 161
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 162
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 163
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 164
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 165
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 166
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 167
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 168
4112., 4123., 4141., and 4167. of the Revised Code as if it were 169
a school district and will comply with section 3301.0714 of the 170
Revised Code in the manner specified in section 3314.17 of the 171
Revised Code. 172

(e) The school shall comply with Chapter 102. and section 173
2921.42 of the Revised Code. 174

(f) The school will comply with sections 3313.61, 175
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 176
Revised Code, except that for students who enter ninth grade for 177
the first time before July 1, 2010, the requirement in sections 178
3313.61 and 3313.611 of the Revised Code that a person must 179
successfully complete the curriculum in any high school prior to 180
receiving a high school diploma may be met by completing the 181
curriculum adopted by the governing authority of the community 182
school rather than the curriculum specified in Title XXXIII of 183
the Revised Code or any rules of the state board of education. 184
Beginning with students who enter ninth grade for the first time 185
on or after July 1, 2010, the requirement in sections 3313.61 186
and 3313.611 of the Revised Code that a person must successfully 187
complete the curriculum of a high school prior to receiving a 188
high school diploma shall be met by completing the requirements 189
prescribed in division (C) of section 3313.603 of the Revised 190

Code, unless the person qualifies under division (D) or (F) of 191
that section. Each school shall comply with the plan for 192
awarding high school credit based on demonstration of subject 193
area competency, and beginning with the 2017-2018 school year, 194
with the updated plan that permits students enrolled in seventh 195
and eighth grade to meet curriculum requirements based on 196
subject area competency adopted by the state board of education 197
under divisions (J)(1) and (2) of section 3313.603 of the 198
Revised Code. Beginning with the 2018-2019 school year, the 199
school shall comply with the framework for granting units of 200
high school credit to students who demonstrate subject area 201
competency through work-based learning experiences, internships, 202
or cooperative education developed by the department under 203
division (J)(3) of section 3313.603 of the Revised Code. 204

(g) The school governing authority will submit within four 205
months after the end of each school year a report of its 206
activities and progress in meeting the goals and standards of 207
divisions (A)(3) and (4) of this section and its financial 208
status to the sponsor and the parents of all students enrolled 209
in the school. 210

(h) The school, unless it is an internet- or computer- 211
based community school, will comply with section 3313.801 of the 212
Revised Code as if it were a school district. 213

(i) If the school is the recipient of moneys from a grant 214
awarded under the federal race to the top program, Division (A), 215
Title XIV, Sections 14005 and 14006 of the "American Recovery 216
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 217
the school will pay teachers based upon performance in 218
accordance with section 3317.141 and will comply with section 219
3319.111 of the Revised Code as if it were a school district. 220

(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.	221 222 223 224 225 226
(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:	227 228 229
(i) An internet- or computer-based community school;	230
(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.	231 232 233
(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.	234 235 236 237
(12) Arrangements for providing health and other benefits to employees;	238 239
(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.	240 241 242 243
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	244 245
(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.	246 247 248

(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;	249 250 251 252
(17) Whether the school is to be created by converting all or part of an existing public school or educational service center building or is to be a new start-up school, and if it is a converted public school or service center building, specification of any duties or responsibilities of an employer that the board of education or service center governing board that operated the school or building before conversion is delegating to the governing authority of the community school with respect to all or any specified group of employees provided the delegation is not prohibited by a collective bargaining agreement applicable to such employees;	253 254 255 256 257 258 259 260 261 262 263
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	264 265 266
(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:	267 268 269 270 271 272
(a) Prohibit the enrollment of students who reside outside the district in which the school is located;	273 274
(b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;	275 276 277

(c) Permit the enrollment of students who reside in any other district in the state.	278 279
(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;	280 281 282 283
(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;	284 285 286
(22) A provision recognizing both of the following:	287
(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;	288 289 290 291
(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.	292 293 294 295 296 297 298
(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code;	299 300 301 302 303 304
(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to	305 306

be taken by a school district pursuant to those sections shall 307
be taken by the sponsor of the school. However, the sponsor 308
shall not be required to take any action described in division 309
(F) of section 3302.04 of the Revised Code. 310

(25) Beginning in the 2006-2007 school year, the school 311
will open for operation not later than the thirtieth day of 312
September each school year, unless the mission of the school as 313
specified under division (A)(2) of this section is solely to 314
serve dropouts. In its initial year of operation, if the school 315
fails to open by the thirtieth day of September, or within one 316
year after the adoption of the contract pursuant to division (D) 317
of section 3314.02 of the Revised Code if the mission of the 318
school is solely to serve dropouts, the contract shall be void. 319

(26) Whether the school's governing authority is planning 320
to seek designation for the school as a STEM school equivalent 321
under section 3326.032 of the Revised Code; 322

(27) That the school's attendance and participation 323
policies will be available for public inspection; 324

(28) That the school's attendance and participation 325
records shall be made available to the department of education, 326
auditor of state, and school's sponsor to the extent permitted 327
under and in accordance with the "Family Educational Rights and 328
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 329
and any regulations promulgated under that act, and section 330
3319.321 of the Revised Code; 331

(29) If a school operates using the blended learning 332
model, as defined in section 3301.079 of the Revised Code, all 333
of the following information: 334

(a) An indication of what blended learning model or models 335

will be used;	336
(b) A description of how student instructional needs will be determined and documented;	337 338
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	339 340
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	341 342 343
(e) A statement describing how student progress will be monitored;	344 345
(f) A statement describing how private student data will be protected;	346 347
(g) A description of the professional development activities that will be offered to teachers.	348 349
(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;	350 351 352 353
(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.	354 355 356 357 358
(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.	359 360 361 362 363

(33) A provision requiring the governing authority to 364
adopt a student residence and address verification policy for 365
students enrolling in or attending the school. 366

(B) The community school shall also submit to the sponsor 367
a comprehensive plan for the school. The plan shall specify the 368
following: 369

(1) The process by which the governing authority of the 370
school will be selected in the future; 371

(2) The management and administration of the school; 372

(3) If the community school is a currently existing public 373
school or educational service center building, alternative 374
arrangements for current public school students who choose not 375
to attend the converted school and for teachers who choose not 376
to teach in the school or building after conversion; 377

(4) The instructional program and educational philosophy 378
of the school; 379

(5) Internal financial controls. 380

When submitting the plan under this division, the school 381
shall also submit copies of all policies and procedures 382
regarding internal financial controls adopted by the governing 383
authority of the school. 384

(C) A contract entered into under section 3314.02 of the 385
Revised Code between a sponsor and the governing authority of a 386
community school may provide for the community school governing 387
authority to make payments to the sponsor, which is hereby 388
authorized to receive such payments as set forth in the contract 389
between the governing authority and the sponsor. The total 390
amount of such payments for monitoring, oversight, and technical 391

assistance of the school shall not exceed three per cent of the 392
total amount of payments for operating expenses that the school 393
receives from the state. 394

(D) The contract shall specify the duties of the sponsor 395
which shall be in accordance with the written agreement entered 396
into with the department of education under division (B) of 397
section 3314.015 of the Revised Code and shall include the 398
following: 399

(1) Monitor the community school's compliance with all 400
laws applicable to the school and with the terms of the 401
contract; 402

(2) Monitor and evaluate the academic and fiscal 403
performance and the organization and operation of the community 404
school on at least an annual basis; 405

(3) Report on an annual basis the results of the 406
evaluation conducted under division (D)(2) of this section to 407
the department of education and to the parents of students 408
enrolled in the community school; 409

(4) Provide technical assistance to the community school 410
in complying with laws applicable to the school and terms of the 411
contract; 412

(5) Take steps to intervene in the school's operation to 413
correct problems in the school's overall performance, declare 414
the school to be on probationary status pursuant to section 415
3314.073 of the Revised Code, suspend the operation of the 416
school pursuant to section 3314.072 of the Revised Code, or 417
terminate the contract of the school pursuant to section 3314.07 418
of the Revised Code as determined necessary by the sponsor; 419

(6) Have in place a plan of action to be undertaken in the 420

event the community school experiences financial difficulties or 421
closes prior to the end of a school year. 422

(E) Upon the expiration of a contract entered into under 423
this section, the sponsor of a community school may, with the 424
approval of the governing authority of the school, renew that 425
contract for a period of time determined by the sponsor, but not 426
ending earlier than the end of any school year, if the sponsor 427
finds that the school's compliance with applicable laws and 428
terms of the contract and the school's progress in meeting the 429
academic goals prescribed in the contract have been 430
satisfactory. Any contract that is renewed under this division 431
remains subject to the provisions of sections 3314.07, 3314.072, 432
and 3314.073 of the Revised Code. 433

(F) If a community school fails to open for operation 434
within one year after the contract entered into under this 435
section is adopted pursuant to division (D) of section 3314.02 436
of the Revised Code or permanently closes prior to the 437
expiration of the contract, the contract shall be void and the 438
school shall not enter into a contract with any other sponsor. A 439
school shall not be considered permanently closed because the 440
operations of the school have been suspended pursuant to section 441
3314.072 of the Revised Code. 442

Sec. 3326.11. Each science, technology, engineering, and 443
mathematics school established under this chapter and its 444
governing body shall comply with sections 9.90, 9.91, 109.65, 445
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 446
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 447
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 448
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 449
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 450

3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 451
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 452
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 453
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 454
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 455
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 456
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 457
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 458
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 459
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 460
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 461
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 462
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 463
4112., 4123., 4141., and 4167. of the Revised Code as if it were 464
a school district. 465

Section 2. That existing sections 3314.03 and 3326.11 of 466
the Revised Code are hereby repealed. 467

Section 3. The General Assembly, applying the principle 468
stated in division (B) of section 1.52 of the Revised Code that 469
amendments are to be harmonized if reasonably capable of 470
simultaneous operation, finds that the following sections, 471
presented in this act as composites of the sections as amended 472
by the acts indicated, are the resulting versions of the 473
sections in effect prior to the effective date of the sections 474
as presented in this act: 475

Section 3314.03 of the Revised Code as amended by H.B. 476
123, H.B. 164, H.B. 166, H.B. 409, H.B. 436, S.B. 68, and S.B. 477
89, all of the 133rd General Assembly. 478

Section 3326.11 of the Revised Code as amended by H.B. 479
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 480

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General Assembly.

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Reviewed As To Form By
Legislative Service Commission

I_134_1375-2

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 (B)(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, United States government and</u>	261
<u>politics, social studies, or similar subject areas.</u>	262
<u>Sec. 3313.6028. (A) No state agency, school district, or</u>	263
<u>school administration shall require a teacher to affirm a belief</u>	264
<u>in the so-called systemic nature of racism, or similar ideas,</u>	265
<u>that is contrary to the teacher's sincerely held religious or</u>	266
<u>philosophical convictions.</u>	267
<u>(B) No state agency or school district shall teach,</u>	268
<u>instruct, or train any administrator, teacher, staff, member, or</u>	269
<u>employee to adopt or believe any of the following concepts:</u>	270
<u>(1) One race or sex is inherently superior to another race</u>	271
<u>or sex;</u>	272
<u>(2) An individual, by virtue of the individual's race or</u>	273
<u>sex, is inherently racist, sexist, or oppressive, whether</u>	274
<u>consciously or unconsciously;</u>	275
<u>(3) An individual should be discriminated against or</u>	276
<u>receive adverse treatment solely or partly because of the</u>	277
<u>individual's race or sex;</u>	278

<u>(4) Members of one race or sex cannot or should not attempt to treat others without respect to race or sex;</u>	279 280
<u>(5) An individual's moral standing or worth is necessarily determined by the individual's race or sex;</u>	281 282
<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>	283 284 285
<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>	286 287 288
<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>	289 290 291
<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>	292 293 294
<u>(10) The advent of slavery in the territory that is now the United States constituted the true founding of the United States;</u>	295 296 297
<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>	298 299 300 301 302
<u>(C) 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</u>	303 304 305 306

practices that serve to inculcate the concepts described in 307
divisions (B)(1) to (11) of this section. 308

(D) If a student completes a course that includes any of 309
the concepts described in divisions (B)(1) to (11) of this 310
section, that course shall not count towards the requirements 311
for high school graduation specified in section 3313.603 of the 312
Revised Code. 313

Sec. 3313.6029. No teacher shall be required by a policy 314
of any state agency, school district, or school administration 315
to affirm a belief in the systemic nature of racism, or like 316
ideas, or in the multiplicity or fluidity of gender identities, 317
or like ideas, against the teacher's sincerely held religious or 318
philosophical convictions. 319

Sec. 3314.03. A copy of every contract entered into under 320
this section shall be filed with the superintendent of public 321
instruction. The department of education shall make available on 322
its web site a copy of every approved, executed contract filed 323
with the superintendent under this section. 324

(A) Each contract entered into between a sponsor and the 325
governing authority of a community school shall specify the 326
following: 327

(1) That the school shall be established as either of the 328
following: 329

(a) A nonprofit corporation established under Chapter 330
1702. of the Revised Code, if established prior to April 8, 331
2003; 332

(b) A public benefit corporation established under Chapter 333
1702. of the Revised Code, if established after April 8, 2003. 334

(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;	335 336 337 338
(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;	339 340 341 342
(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;	343 344 345 346
(5) The admission standards of section 3314.06 of the Revised Code and, if applicable, section 3314.061 of the Revised Code;	347 348 349
(6)(a) Dismissal procedures;	350
(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.	351 352 353 354 355 356
(7) The ways by which the school will achieve racial and ethnic balance reflective of the community it serves;	357 358
(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	359 360 361 362 363

117.10 of the Revised Code.	364
(9) An addendum to the contract outlining the facilities to be used that contains at least the following information:	365 366
(a) A detailed description of each facility used for instructional purposes;	367 368
(b) The annual costs associated with leasing each facility that are paid by or on behalf of the school;	369 370
(c) The annual mortgage principal and interest payments that are paid by the school;	371 372
(d) The name of the lender or landlord, identified as such, and the lender's or landlord's relationship to the operator, if any.	373 374 375
(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.	376 377 378 379 380 381
(11) That the school will comply with the following requirements:	382 383
(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.	384 385 386
(b) The governing authority will purchase liability insurance, or otherwise provide for the potential liability of the school.	387 388 389
(c) The school will be nonsectarian in its programs,	390

admission policies, employment practices, and all other 391
operations, and will not be operated by a sectarian school or 392
religious institution. 393

(d) The school will comply with sections 9.90, 9.91, 394
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 395
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3313.472, 396
3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 3313.6012, 397
3313.6013, 3313.6014, 3313.6015, 3313.6020, 3313.6024, 398
3313.6025, 3313.6027, 3313.6028, 3313.643, 3313.648, 3313.6411, 399
3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 3313.668, 400
3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 3313.673, 401
3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 3313.7112, 402
3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 3313.818, 403
3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 3319.078, 404
3319.321, 3319.39, 3319.391, 3319.41, 3319.46, 3320.01, 3320.02, 405
3320.03, 3321.01, 3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 406
3321.18, 3321.19, 3323.251, 3327.10, 4111.17, 4113.52, 5502.262, 407
and 5705.391 and Chapters 117., 1347., 2744., 3365., 3742., 408
4112., 4123., 4141., and 4167. of the Revised Code as if it were 409
a school district and will comply with section 3301.0714 of the 410
Revised Code in the manner specified in section 3314.17 of the 411
Revised Code. 412

(e) The school shall comply with Chapter 102. and section 413
2921.42 of the Revised Code. 414

(f) The school will comply with sections 3313.61, 415
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 416
Revised Code, except that for students who enter ninth grade for 417
the first time before July 1, 2010, the requirement in sections 418
3313.61 and 3313.611 of the Revised Code that a person must 419
successfully complete the curriculum in any high school prior to 420

receiving a high school diploma may be met by completing the 421
curriculum adopted by the governing authority of the community 422
school rather than the curriculum specified in Title XXXIII of 423
the Revised Code or any rules of the state board of education. 424
Beginning with students who enter ninth grade for the first time 425
on or after July 1, 2010, the requirement in sections 3313.61 426
and 3313.611 of the Revised Code that a person must successfully 427
complete the curriculum of a high school prior to receiving a 428
high school diploma shall be met by completing the requirements 429
prescribed in division (C) of section 3313.603 of the Revised 430
Code, unless the person qualifies under division (D) or (F) of 431
that section. Each school shall comply with the plan for 432
awarding high school credit based on demonstration of subject 433
area competency, and beginning with the 2017-2018 school year, 434
with the updated plan that permits students enrolled in seventh 435
and eighth grade to meet curriculum requirements based on 436
subject area competency adopted by the state board of education 437
under divisions (J) (1) and (2) of section 3313.603 of the 438
Revised Code. Beginning with the 2018-2019 school year, the 439
school shall comply with the framework for granting units of 440
high school credit to students who demonstrate subject area 441
competency through work-based learning experiences, internships, 442
or cooperative education developed by the department under 443
division (J) (3) of section 3313.603 of the Revised Code. 444

(g) The school governing authority will submit within four 445
months after the end of each school year a report of its 446
activities and progress in meeting the goals and standards of 447
divisions (A) (3) and (4) of this section and its financial 448
status to the sponsor and the parents of all students enrolled 449
in the school. 450

(h) The school, unless it is an internet- or computer- 451

based community school, will comply with section 3313.801 of the Revised Code as if it were a school district.

(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.

(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.	480 481 482 483
(14) The governing authority of the school, which shall be responsible for carrying out the provisions of the contract;	484 485
(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.	486 487 488
(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;	489 490 491 492
(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;	493 494 495 496 497 498 499 500 501 502 503
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	504 505 506
(19) A provision requiring the governing authority to adopt a policy regarding the admission of students who reside	507 508

outside the district in which the school is located. That policy 509
shall comply with the admissions procedures specified in 510
sections 3314.06 and 3314.061 of the Revised Code and, at the 511
sole discretion of the authority, shall do one of the following: 512

(a) Prohibit the enrollment of students who reside outside 513
the district in which the school is located; 514

(b) Permit the enrollment of students who reside in 515
districts adjacent to the district in which the school is 516
located; 517

(c) Permit the enrollment of students who reside in any 518
other district in the state. 519

(20) A provision recognizing the authority of the 520
department of education to take over the sponsorship of the 521
school in accordance with the provisions of division (C) of 522
section 3314.015 of the Revised Code; 523

(21) A provision recognizing the sponsor's authority to 524
assume the operation of a school under the conditions specified 525
in division (B) of section 3314.073 of the Revised Code; 526

(22) A provision recognizing both of the following: 527

(a) The authority of public health and safety officials to 528
inspect the facilities of the school and to order the facilities 529
closed if those officials find that the facilities are not in 530
compliance with health and safety laws and regulations; 531

(b) The authority of the department of education as the 532
community school oversight body to suspend the operation of the 533
school under section 3314.072 of the Revised Code if the 534
department has evidence of conditions or violations of law at 535
the school that pose an imminent danger to the health and safety 536

of the school's students and employees and the sponsor refuses 537
to take such action. 538

(23) A description of the learning opportunities that will 539
be offered to students including both classroom-based and non- 540
classroom-based learning opportunities that is in compliance 541
with criteria for student participation established by the 542
department under division (H) (2) of section 3314.08 of the 543
Revised Code; 544

(24) The school will comply with sections 3302.04 and 545
3302.041 of the Revised Code, except that any action required to 546
be taken by a school district pursuant to those sections shall 547
be taken by the sponsor of the school. However, the sponsor 548
shall not be required to take any action described in division 549
(F) of section 3302.04 of the Revised Code. 550

(25) Beginning in the 2006-2007 school year, the school 551
will open for operation not later than the thirtieth day of 552
September each school year, unless the mission of the school as 553
specified under division (A) (2) of this section is solely to 554
serve dropouts. In its initial year of operation, if the school 555
fails to open by the thirtieth day of September, or within one 556
year after the adoption of the contract pursuant to division (D) 557
of section 3314.02 of the Revised Code if the mission of the 558
school is solely to serve dropouts, the contract shall be void. 559

(26) Whether the school's governing authority is planning 560
to seek designation for the school as a STEM school equivalent 561
under section 3326.032 of the Revised Code; 562

(27) That the school's attendance and participation 563
policies will be available for public inspection; 564

(28) That the school's attendance and participation 565

records shall be made available to the department of education, 566
auditor of state, and school's sponsor to the extent permitted 567
under and in accordance with the "Family Educational Rights and 568
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 569
and any regulations promulgated under that act, and section 570
3319.321 of the Revised Code; 571

(29) If a school operates using the blended learning 572
model, as defined in section 3301.079 of the Revised Code, all 573
of the following information: 574

(a) An indication of what blended learning model or models 575
will be used; 576

(b) A description of how student instructional needs will 577
be determined and documented; 578

(c) The method to be used for determining competency, 579
granting credit, and promoting students to a higher grade level; 580

(d) The school's attendance requirements, including how 581
the school will document participation in learning 582
opportunities; 583

(e) A statement describing how student progress will be 584
monitored; 585

(f) A statement describing how private student data will 586
be protected; 587

(g) A description of the professional development 588
activities that will be offered to teachers. 589

(30) A provision requiring that all moneys the school's 590
operator loans to the school, including facilities loans or cash 591
flow assistance, must be accounted for, documented, and bear 592
interest at a fair market rate; 593

(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;

(5) Internal financial controls.

When submitting the plan under this division, the school

shall also submit copies of all policies and procedures 622
regarding internal financial controls adopted by the governing 623
authority of the school. 624

(C) A contract entered into under section 3314.02 of the 625
Revised Code between a sponsor and the governing authority of a 626
community school may provide for the community school governing 627
authority to make payments to the sponsor, which is hereby 628
authorized to receive such payments as set forth in the contract 629
between the governing authority and the sponsor. The total 630
amount of such payments for monitoring, oversight, and technical 631
assistance of the school shall not exceed three per cent of the 632
total amount of payments for operating expenses that the school 633
receives from the state. 634

(D) The contract shall specify the duties of the sponsor 635
which shall be in accordance with the written agreement entered 636
into with the department of education under division (B) of 637
section 3314.015 of the Revised Code and shall include the 638
following: 639

(1) Monitor the community school's compliance with all 640
laws applicable to the school and with the terms of the 641
contract; 642

(2) Monitor and evaluate the academic and fiscal 643
performance and the organization and operation of the community 644
school on at least an annual basis; 645

(3) Report on an annual basis the results of the 646
evaluation conducted under division (D)(2) of this section to 647
the department of education and to the parents of students 648
enrolled in the community school; 649

(4) Provide technical assistance to the community school 650

in complying with laws applicable to the school and terms of the contract; 651
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(5) Take steps to intervene in the school's operation to correct problems in the school's overall performance, declare the school to be on probationary status pursuant to section 3314.073 of the Revised Code, suspend the operation of the school pursuant to section 3314.072 of the Revised Code, or terminate the contract of the school pursuant to section 3314.07 of the Revised Code as determined necessary by the sponsor; 653
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(6) Have in place a plan of action to be undertaken in the event the community school experiences financial difficulties or closes prior to the end of a school year. 660
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(E) Upon the expiration of a contract entered into under this section, the sponsor of a community school may, with the approval of the governing authority of the school, renew that contract for a period of time determined by the sponsor, but not ending earlier than the end of any school year, if the sponsor finds that the school's compliance with applicable laws and terms of the contract and the school's progress in meeting the academic goals prescribed in the contract have been satisfactory. Any contract that is renewed under this division remains subject to the provisions of sections 3314.07, 3314.072, and 3314.073 of the Revised Code. 663
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(F) If a community school fails to open for operation within one year after the contract entered into under this section is adopted pursuant to division (D) of section 3314.02 of the Revised Code or permanently closes prior to the expiration of the contract, the contract shall be void and the school shall not enter into a contract with any other sponsor. A school shall not be considered permanently closed because the 674
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operations of the school have been suspended pursuant to section 681
3314.072 of the Revised Code. 682

Sec. 3326.11. Each science, technology, engineering, and 683
mathematics school established under this chapter and its 684
governing body shall comply with sections 9.90, 9.91, 109.65, 685
121.22, 149.43, 2151.357, 2151.421, 2313.19, 2921.42, 2921.43, 686
3301.0714, 3301.0715, 3301.0729, 3301.948, 3313.14, 3313.15, 687
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 688
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 689
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 690
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 691
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 692
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 693
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 694
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 695
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 696
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 697
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 698
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 699
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 700
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 701
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 702
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 703
4112., 4123., 4141., and 4167. of the Revised Code as if it were 704
a school district. 705

Section 2. That existing sections 3301.079, 3314.03, and 706
3326.11 of the Revised Code are hereby repealed. 707

Section 3. The General Assembly, applying the principle 708
stated in division (B) of section 1.52 of the Revised Code that 709
amendments are to be harmonized if reasonably capable of 710

simultaneous operation, finds that the following sections, 711
presented in this act as composites of the sections as amended 712
by the acts indicated, are the resulting versions of the 713
sections in effect prior to the effective date of the sections 714
as presented in this act: 715

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

Section 3326.11 of the Revised Code as amended by H.B. 719
123, H.B. 164, H.B. 166, H.B. 436, and S.B. 68, all of the 133rd 720
General Assembly. 721

Reviewed As To Form By
Legislative Service Commission

I_134_1375-3

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 documents within that context.

(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium.

(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section.

(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically.

The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience.

(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in

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 a curriculum to allow for deeper exploration of the subject matter.	223 224 225
(5) "Vertical articulation" means key academic concepts and skills associated with mastery in particular content areas should be articulated and reinforced in a developmentally appropriate manner at each grade level so that over time students acquire a depth of knowledge and understanding in the core academic disciplines.	226 227 228 229 230 231
<u>Sec. 3313.6027. (A) No state agency, school district, or school administration shall require a teacher of history, civics, United States government and politics, social studies, or similar subject areas who is employed by the board of education of a school district to discuss current events or widely debated and currently controversial issues of public policy or social affairs.</u>	232 233 234 235 236 237 238
<u>It is the policy of this state that teachers who choose to discuss current events or widely debated and currently controversial issues of public policy or social affairs, to the best of their abilities, shall strive to explore such issues from diverse and contending perspectives.</u>	239 240 241 242 243
<u>(B) In any course on history, civics, United States government and politics, social studies, or a similar subject area, no school district shall require, make part of such a course, or award course grading or credit for any of the following:</u>	244 245 246 247 248
<u>(1) Student work for, affiliation with, or service learning in association with any organization engaged in</u>	249 250

<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 or school district</u>	264
<u>shall teach, instruct, or train any administrator, teacher,</u>	265
<u>staff, member, or employee to adopt or believe any of the</u>	266
<u>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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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:	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act: 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

Reviewed As To Form By
Legislative Service Commission

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


wafsosk78uxz6tsaag7xuz

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 documents within that context. 47
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(c) When the state board adopts or revises academic content standards in social studies, American history, American government, or science under division (A) (1) of this section, the state board shall develop such standards independently and not as part of a multistate consortium. 49
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(2) After completing the standards required by division (A) (1) of this section, the state board shall adopt standards and model curricula for instruction in technology, financial literacy and entrepreneurship, fine arts, and foreign language for grades kindergarten through twelve. The standards shall meet the same requirements prescribed in division (A) (1) (a) of this section. 54
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(3) The state board shall adopt the most recent standards developed by the national association for sport and physical education for physical education in grades kindergarten through twelve or shall adopt its own standards for physical education in those grades and revise and update them periodically. 61
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The department of education shall employ a full-time physical education coordinator to provide guidance and technical assistance to districts, community schools, and STEM schools in implementing the physical education standards adopted under this division. The superintendent of public instruction shall determine that the person employed as coordinator is qualified for the position, as demonstrated by possessing an adequate combination of education, license, and experience. 66
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(4) Not later than December 31, 2018, the state board shall adopt standards and a model curriculum for instruction in 74
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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 XXXVIII 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;	486 487 488 489
(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;	490 491 492 493 494 495 496 497 498 499 500
(18) Provisions establishing procedures for resolving disputes or differences of opinion between the sponsor and the governing authority of the community school;	501 502 503
(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;	504 505 506 507 508 509

(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	567
3319.321 of the Revised Code;	568
(29) If a school operates using the blended learning	569
model, as defined in section 3301.079 of the Revised Code, all	570
of the following information:	571
(a) An indication of what blended learning model or models	572
will be used;	573
(b) A description of how student instructional needs will	574
be determined and documented;	575
(c) The method to be used for determining competency,	576
granting credit, and promoting students to a higher grade level;	577
(d) The school's attendance requirements, including how	578
the school will document participation in learning	579
opportunities;	580
(e) A statement describing how student progress will be	581
monitored;	582
(f) A statement describing how private student data will	583
be protected;	584
(g) A description of the professional development	585
activities that will be offered to teachers.	586
(30) A provision requiring that all moneys the school's	587
operator loans to the school, including facilities loans or cash	588
flow assistance, must be accounted for, documented, and bear	589
interest at a fair market rate;	590
(31) A provision requiring that, if the governing	591
authority contracts with an attorney, accountant, or entity	592
specializing in audits, the attorney, accountant, or entity	593

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
3313.16, 3313.18, 3313.201, 3313.26, 3313.472, 3313.48, 685
3313.481, 3313.482, 3313.50, 3313.539, 3313.5310, 3313.608, 686
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 687
3313.6021, 3313.6024, 3313.6025, 3313.6027, 3313.6028, 3313.61, 688
3313.611, 3313.614, 3313.615, 3313.617, 3313.618, 3313.6114, 689
3313.643, 3313.648, 3313.6411, 3313.66, 3313.661, 3313.662, 690
3313.666, 3313.667, 3313.668, 3313.669, 3313.6610, 3313.67, 691
3313.671, 3313.672, 3313.673, 3313.69, 3313.71, 3313.716, 692
3313.718, 3313.719, 3313.7112, 3313.721, 3313.80, 3313.801, 693
3313.814, 3313.816, 3313.817, 3313.818, 3313.86, 3313.89, 694
3313.96, 3319.073, 3319.077, 3319.078, 3319.21, 3319.32, 695
3319.321, 3319.35, 3319.39, 3319.391, 3319.41, 3319.45, 3319.46, 696
3320.01, 3320.02, 3320.03, 3321.01, 3321.041, 3321.05, 3321.13, 697
3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 3321.191, 698
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 699
Chapters 102., 117., 1347., 2744., 3307., 3309., 3365., 3742., 700
4112., 4123., 4141., and 4167. of the Revised Code as if it were 701
a school district. 702

Section 2. That existing sections 3301.079, 3314.03, and 703
3326.11 of the Revised Code are hereby repealed. 704

Section 3. The General Assembly, applying the principle 705
stated in division (B) of section 1.52 of the Revised Code that 706
amendments are to be harmonized if reasonably capable of 707
simultaneous operation, finds that the following sections, 708
presented in this act as composites of the sections as amended 709
by the acts indicated, are the resulting versions of the 710
sections in effect prior to the effective date of the sections 711

as presented in this act: 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

_____ moved to amend as follows:

- In line 244, delete "on history, civics, United States" 1
- Delete line 245 2
- In line 246, delete "area" and insert "of instruction"; delete "such
a" 3 4
- In line 247, delete the first "course" 5

The motion was _____ agreed to.

SYNOPSIS 6

Prohibitions on course requirements 7

R.C. 3313.6027 8

Prohibits school districts, community schools, and STEM 9
schools for any course of instruction, rather than courses on 10
history, civics, United States government and politics, social 11
studies, or a similar subject area as under the bill, from 12



requiring, making part of, or awarding credit in a course for	13
public policy advocacy or lobbying for legislation.	14

_____ moved to amend as follows:

In line 232, delete "state agency,"; delete "└" 1

In line 233, after "administration" insert "nor the state board of
education or department of education" 2
3

In line 257, delete "state agency or"; after "district" insert "nor
the state board or department" 4
5

In line 264, delete "state agency,"; delete "└" 6

In line 265, after "school" insert "nor the state board of education
or department of education" 7
8

In line 312, after "of" insert "the state board of education or
department of education or"; delete "state agency,"; delete "└" 9
10

The motion was _____ agreed to.

SYNOPSIS 11

Prohibitions on specified entities 12



R.C. 3313.6027, 3313.6028, and 3313.6029	13
Replaces "state agency" with the State Board of Education	14
and Department of Education in the bill's provisions prohibiting	15
teaching, training, or funding specified concepts.	16