

I_134_1448-12

134th General Assembly
Regular Session
2021-2022

Sub. H. B. No. 327

A BILL

To amend sections 3313.21, 3314.03, and 3326.11 and 1
to enact sections 3313.6028, 3319.614, 2
3345.0216, 3345.0217, and 4113.35 of the Revised 3
Code to enact "The Promoting Education, Not 4
Indoctrination Act" regarding the promotion of 5
or compelled adherence to certain concepts by 6
primary and secondary schools, state 7
institutions of higher education, political 8
subdivisions, and state agencies. 9

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

Section 1. That sections 3313.21, 3314.03, and 3326.11 be 10
amended and sections 3313.6028, 3319.614, 3345.0216, 3345.0217, 11
and 4113.35 of the Revised Code be enacted to read as follows: 12

Sec. 3313.21. (A) The Subject to division (D) of this 13
section, the board of education of each school district shall be 14
the sole authority in determining and selecting all of the 15
following to be used in the schools under its control: 16

(1) Textbooks, pursuant to section 3329.08 of the Revised 17



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Code, and reading lists;	18
(2) Instructional materials;	19
(3) Academic curriculum.	20
(B) The board of education of each school district may permit educators to create instructional materials, including textbooks, that are consistent with the curriculum adopted by the district board for use in the educators' classrooms.	21 22 23 24
(C) Nothing in this section is intended to promote or encourage the utilization of any particular text or source material on a statewide basis.	25 26 27
(D) <u>The school district board shall not select any textbook, instructional material, or academic curriculum that promotes, or compels adherence to, any of the concepts described in divisions (B) (1) to (8) of section 3313.6028 of the Revised Code.</u>	28 29 30 31 32
(E) <u>No teacher or school administrator employed by a school district shall approve for use, make use of, or carry out standards, curricula, lesson plans, textbooks, instructional materials, or instructional practices that serve to inculcate or promote any of the concepts described in divisions (B) (1) to (8) of section 3313.6028 of the Revised Code.</u>	33 34 35 36 37 38
<u>Sec. 3313.6028.</u> (A) As used in this section:	39
(1) <u>"National origin," "race," "color," "ethnicity," and "religion" shall be interpreted as described in the original text of the "Civil Rights Act of 1964."</u>	40 41 42
(2) <u>"Sex" means biological sex.</u>	43
(3) <u>"Promote" or "promotion" means either of the following</u>	44

processes: 45

(a) Seeking to advance or encourage support of a partisan philosophy or religion by indoctrination, coercion, compulsion, or teaching an individual or group of individuals to accept a set of beliefs in a one-sided, biased, and uncritical manner; 46
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(b) Inculcating ideas, attitudes, beliefs, and cognitive strategies during the transfer of cultural traditions from one generation to the next with the expectation that such traditions will not be questioned but practiced in the future. 50
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(B) No state agency, school district board of education, or school administrator, teacher, or other school employee shall compel any individual to affirm, adopt, adhere to, profess, or promote any of the following concepts: 54
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(1) That individuals of any race, ethnicity, color, sex, religion, or national origin are inherently superior or inferior; 58
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(2) That individuals should be adversely or advantageously treated, or should treat others disrespectfully, on the basis of their race, ethnicity, color, sex, religion, or national origin; 61
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(3) That an individual, by virtue of the individual's race, ethnicity, color, sex, religion, or national origin is inherently racist, sexist, or oppressive, whether consciously or unconsciously; 64
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(4) That individuals, by virtue of their race, ethnicity, color, sex, religion, or national origin bear collective guilt and are inherently responsible for actions committed in the past by other members of the same race, ethnicity, color, sex, religion, or national origin; 68
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(5) That meritocracy or traits such as a hard work ethic 73
are racist or sexist, or were created by individuals of a 74
particular race, ethnicity, color, sex, religion, or national 75
origin to oppress individuals of another race, ethnicity, color, 76
sex, religion, or national origin; 77

(6) That any individual cannot succeed or achieve equality 78
because of the individual's race, ethnicity, color, sex, 79
religion, or national origin; 80

(7) That an individual's moral character or worth is 81
necessarily determined by the individual's race, ethnicity, 82
color, sex, religion, or national origin; 83

(8) Any other concept the promotion of which violates the 84
provisions of any of the concepts described in section 85
3313.6028, 3345.0216, or 4113.35 of the Revised Code or Title IV 86
or VI of "The Civil Rights Act of 1964." 87

(C) (1) No school district, community school established 88
under Chapter 3314. of the Revised Code, STEM school established 89
under Chapter 3326. of the Revised Code, or school building 90
operated by a school district or school shall include, train, 91
compel adherence to, or promote professional development in any 92
of the concepts described divisions (B) (1) to (8) of this 93
section. No student's grade shall be negatively affected by the 94
student's refusal to express belief in or support of any of 95
those concepts. 96

(2) (a) No nonpublic school shall use either of the 97
following to promote or compel compliance with any of the 98
concepts described in divisions (B) (1) to (8) of this section: 99

(i) Funds paid directly to the chartered nonpublic school 100
for auxiliary services, as prescribed by division (E) (2) of 101

<u>section 3317.024 of the Revised Code;</u>	102
<u>(ii) Reimbursement of the actual mandated service</u>	103
<u>administrative and clerical costs incurred by a chartered</u>	104
<u>nonpublic school, as prescribed by section 3317.063 of the</u>	105
<u>Revised Code.</u>	106
<u>(b) Nothing in division (B) (2) of this section shall be</u>	107
<u>construed to prohibit any nonpublic school from promoting the</u>	108
<u>school's closely held religious beliefs or specifying that the</u>	109
<u>school's religion is superior to other religions.</u>	110
<u>(3) No state agency, school district, school building, or</u>	111
<u>teacher shall apply for any federal grants or accept private</u>	112
<u>funding or donated materials for the purpose of developing a</u>	113
<u>curriculum, purchasing or selecting a curriculum or course</u>	114
<u>materials, or providing teacher training or professional</u>	115
<u>development for a course that compels individuals to affirm,</u>	116
<u>adopt, adhere to, profess, or promote any of the concepts</u>	117
<u>described in divisions (B) (1) to (8) of this section. No moneys</u>	118
<u>shall be expended in promoting those concepts.</u>	119
<u>(4) No school teacher, administrator, or other school</u>	120
<u>employee shall face any penalty or discrimination on account of</u>	121
<u>the school teacher's, administrator's, or other school</u>	122
<u>employee's refusal to support, believe, endorse, embrace,</u>	123
<u>confess, act upon, or otherwise assent to any of the concepts</u>	124
<u>described in divisions (B) (1) to (8) of this section. No school</u>	125
<u>teacher, administrator, or other school employee shall be</u>	126
<u>compelled or required to complete a curriculum promoting any of</u>	127
<u>the concepts described in divisions (B) (1) to (8) of this</u>	128
<u>section as a condition or prerequisite of employment.</u>	129
<u>(5) (a) No state agency, school district, community school,</u>	130

STEM school, or school administration shall compel or require a 131
teacher who is employed by the board of education of a school 132
district or governing authority of a school to discuss current 133
events or widely debated and currently controversial issues of 134
public policy or social affairs. 135

(b) It is the policy of this state that teachers who 136
choose to discuss current events or widely debated and currently 137
controversial issues of public policy or social affairs shall 138
present each topic in a nonpartisan manner. 139

(c) No school teacher shall be required or compelled 140
through a policy of any state agency, school district, or school 141
administration to affirm a belief in the systemic nature of 142
racism, or like ideas, or in the multiplicity or fluidity of 143
gender identities, or like ideas, against the teacher's 144
sincerely held religious or philosophical convictions. 145

(6) (a) Each school district board of education shall 146
annually adopt a policy approving a list of balanced partisan 147
and nonpartisan activities that are consistent with the 148
provisions of section 3319.614 of the Revised Code and do not 149
promote one opportunity over the other. 150

(b) A school district, school, or teacher may require a 151
student to participate in a political campaign, lobbying effort, 152
or practicum involving social or public policy, provided the 153
student selects from the list of opportunities adopted in 154
accordance with division (C) (6) (a) of this section. 155

(D) (1) The state board of education shall investigate any 156
report from a student, parent, teacher, or community member 157
alleging that a teacher, school administrator, or school 158
district superintendent knowingly or recklessly violates 159

division (B) or (C) of this section. 160

(2) The state board shall afford the teacher, school administrator, or school district superintendent an opportunity for a hearing in accordance with sections 119.01 to 119.13 of the Revised Code. 161
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(3) If the state board finds that the teacher, school administrator, or school district superintendent knowingly or recklessly violated division (B) or (C) of this section, the state board shall issue an adjudication order in accordance with section 119.06 of the Revised Code taking the following action: 165
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(a) For a first offense, issue an official licensure admonishment; 170
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(b) For a second offense, suspend the teacher's, principal's, or superintendent's licensure for a period of time determined by the state board based upon the severity and circumstances of the offense that led to the suspension; 172
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(c) For a third or subsequent offense, revoke the teacher's, principal's, or superintendent's licensure for a period of time that is not less than one year, as determined by the state board based upon the severity and circumstances of the offense that led to the suspension. 176
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(4) Any report regarding a single classroom shall be considered one offense, regardless of the number of reports submitted regarding that classroom. If an individual subject to this division teaches multiple classes or in multiple buildings, each classroom or building for which a report has been confirmed shall be considered a separate offense. Additionally, if an individual is teaching multiple sections or different sections, each section or class shall be considered a separate offense. 181
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(E) The parent, guardian, or custodian of any student who, 189
by way of a violation of this section, is compelled to adhere 190
to, or is subjected to indoctrination through use of any of the 191
concepts described in divisions (B) (1) to (8) of this section in 192
order to receive a class grade or graduation credit, may bring 193
an action for injunctive relief against the school, school 194
district, or school employee responsible for the violation. 195

(F) (1) The state board shall adopt rules to govern 196
implementation of and monitor compliance with the provisions of 197
this section. 198

(2) At no time shall the state board adopt any standards, 199
model curricula, professional development resources, classroom 200
resources, or assessments promoting or compelling compliance 201
with any of the concepts described in divisions (B) (1) to (8) of 202
this section. 203

(3) The state board shall prepare an annual report 204
regarding the adoption and enforcement of this section and 205
submit the report to the general assembly in accordance with 206
section 101.68 of the Revised Code. The report shall provide 207
detailed information on any report described in division (D) of 208
this section and a copy of each action filed under division (E) 209
of this section. The state board shall submit the report on or 210
before the last day of June each year, beginning in 2023. 211

(G) Nothing in this section shall be construed to prohibit 212
any of the following: 213

(1) Discussing or using supplemental instructional 214
materials, as part of a larger course of academic instruction, 215
to teach about any of the concepts described in divisions (B) (1) 216
to (8) of this section in an objective manner and without 217

<u>endorsement. Such materials may include the following:</u>	218
<u>(a) The history of an ethnic group, as described in</u>	219
<u>textbooks and instructional materials selected by each school</u>	220
<u>district in accordance with section 3313.21 of the Revised Code;</u>	221
<u>(b) The nonpartisan discussion of controversial aspects of</u>	222
<u>history;</u>	223
<u>(c) The nonpartisan instruction on the historical</u>	224
<u>oppression or treatment of a particular group of people based on</u>	225
<u>national origin, race, color, ethnicity, religion, sex, class,</u>	226
<u>or geographic region;</u>	227
<u>(d) Historical documents permitted under statutory law,</u>	228
<u>including, but not limited to, the national motto, the national</u>	229
<u>anthem, the Ohio Constitution, the United States Constitution,</u>	230
<u>the Revised Code, federal law, and United States Supreme Court</u>	231
<u>decisions;</u>	232
<u>(e) Nonpartisan questions posed by a teacher that are</u>	233
<u>meant to promote discussion between students, provided the</u>	234
<u>teacher does not promote adherence to any of the concepts</u>	235
<u>described in divisions (B) (1) to (8) of this section;</u>	236
<u>(f) Student research, practice, public speaking, other</u>	237
<u>assigned tasks, and questions, including advocacy of a student's</u>	238
<u>own perspectives or volunteering;</u>	239
<u>(g) The promotion of American nationalism;</u>	240
<u>(h) The objective teaching of the American civil rights</u>	241
<u>movement.</u>	242
<u>(2) The discussion of any of the concepts described in</u>	243
<u>divisions (B) (1) to (8) of this section by any employee of a</u>	244
<u>state agency, school district, or public elementary or secondary</u>	245

school, provided the employee is acting in the employee's 246
individual capacity and not within the scope of employment. 247

(3) Except as provided in divisions (B) to (D) of this 248
section, voluntary engagement in or observation of a politically 249
nonpartisan discussion of public policy issues or other issues 250
by a student, school administrator, teacher, or other school 251
employee, even if others may find the topic of discussion 252
unwelcome, disagreeable, or offensive. 253

(4) In a course of instruction on public speaking, speech, 254
formal debate, or substantially similar subject matter, any of 255
the following: 256

(a) The assignment of research, topics of debate, public 257
speaking prompts, or other tasks that are controversial or 258
address one or more concept described in divisions (B)(1) to (8) 259
of this section, provided the teacher does not promote or compel 260
adherence to that concept; 261

(b) The assignment of a grade or score for completion or 262
partial completion of research, debate, public speaking, or 263
other task, provided the grade or score is calculated using 264
ordinary academic standards of substance and relevance, 265
including any legitimate pedagogical concerns. No student's 266
grade shall be negatively affected by the student's refusal to 267
express belief in or support for any concept proscribed under 268
division (B) of this section. 269

(c) Respectful student-to-student discussion or debate, 270
notwithstanding the fact it may address any of the concepts 271
proscribed under division (B) of this section. 272

(H) If any provision this section or the application 273
thereof to any person or circumstance is held invalid, the 274

invalidity does not affect other provisions or applications of 275
the section or related sections that can be given effect without 276
the invalid provision or application, and to this end the 277
provisions are severable. 278

Sec. 3314.03. A copy of every contract entered into under 279
this section shall be filed with the superintendent of public 280
instruction. The department of education shall make available on 281
its web site a copy of every approved, executed contract filed 282
with the superintendent under this section. 283

(A) Each contract entered into between a sponsor and the 284
governing authority of a community school shall specify the 285
following: 286

(1) That the school shall be established as either of the 287
following: 288

(a) A nonprofit corporation established under Chapter 289
1702. of the Revised Code, if established prior to April 8, 290
2003; 291

(b) A public benefit corporation established under Chapter 292
1702. of the Revised Code, if established after April 8, 2003. 293

(2) The education program of the school, including the 294
school's mission, the characteristics of the students the school 295
is expected to attract, the ages and grades of students, and the 296
focus of the curriculum; 297

(3) The academic goals to be achieved and the method of 298
measurement that will be used to determine progress toward those 299
goals, which shall include the statewide achievement 300
assessments; 301

(4) Performance standards, including but not limited to 302

all applicable report card measures set forth in section 3302.03 303
or 3314.017 of the Revised Code, by which the success of the 304
school will be evaluated by the sponsor; 305

(5) The admission standards of section 3314.06 of the 306
Revised Code and, if applicable, section 3314.061 of the Revised 307
Code; 308

(6) (a) Dismissal procedures; 309

(b) A requirement that the governing authority adopt an 310
attendance policy that includes a procedure for automatically 311
withdrawing a student from the school if the student without a 312
legitimate excuse fails to participate in seventy-two 313
consecutive hours of the learning opportunities offered to the 314
student. 315

(7) The ways by which the school will achieve racial and 316
ethnic balance reflective of the community it serves; 317

(8) Requirements for financial audits by the auditor of 318
state. The contract shall require financial records of the 319
school to be maintained in the same manner as are financial 320
records of school districts, pursuant to rules of the auditor of 321
state. Audits shall be conducted in accordance with section 322
117.10 of the Revised Code. 323

(9) An addendum to the contract outlining the facilities 324
to be used that contains at least the following information: 325

(a) A detailed description of each facility used for 326
instructional purposes; 327

(b) The annual costs associated with leasing each facility 328
that are paid by or on behalf of the school; 329

(c) The annual mortgage principal and interest payments 330

that are paid by the school; 331

(d) The name of the lender or landlord, identified as 332
such, and the lender's or landlord's relationship to the 333
operator, if any. 334

(10) Qualifications of teachers, including a requirement 335
that the school's classroom teachers be licensed in accordance 336
with sections 3319.22 to 3319.31 of the Revised Code, except 337
that a community school may engage noncertificated persons to 338
teach up to twelve hours or forty hours per week pursuant to 339
section 3319.301 of the Revised Code. 340

(11) That the school will comply with the following 341
requirements: 342

(a) The school will provide learning opportunities to a 343
minimum of twenty-five students for a minimum of nine hundred 344
twenty hours per school year. 345

(b) The governing authority will purchase liability 346
insurance, or otherwise provide for the potential liability of 347
the school. 348

(c) The school will be nonsectarian in its programs, 349
admission policies, employment practices, and all other 350
operations, and will not be operated by a sectarian school or 351
religious institution. 352

(d) The school will comply with sections 9.90, 9.91, 353
109.65, 121.22, 149.43, 2151.357, 2151.421, 2313.19, 3301.0710, 354
3301.0711, 3301.0712, 3301.0715, 3301.0729, 3301.948, 3302.037, 355
3313.472, 3313.50, 3313.539, 3313.5310, 3313.608, 3313.609, 356
3313.6012, 3313.6013, 3313.6014, 3313.6015, 3313.6020, 357
3313.6024, 3313.6025, 3313.6026, 3313.6028, 3313.643, 3313.648, 358
3313.6411, 3313.66, 3313.661, 3313.662, 3313.666, 3313.667, 359

3313.668, 3313.669, 3313.6610, 3313.67, 3313.671, 3313.672, 360
3313.673, 3313.69, 3313.71, 3313.716, 3313.718, 3313.719, 361
3313.7112, 3313.721, 3313.80, 3313.814, 3313.816, 3313.817, 362
3313.818, 3313.86, 3313.89, 3313.96, 3319.073, 3319.077, 363
3319.078, 3319.238, 3319.318, 3319.321, 3319.39, 3319.391, 364
3319.393, 3319.41, 3319.46, 3320.01, 3320.02, 3320.03, 3321.01, 365
3321.041, 3321.13, 3321.14, 3321.141, 3321.17, 3321.18, 3321.19, 366
3323.251, 3327.10, 4111.17, 4113.52, 5502.262, and 5705.391 and 367
Chapters 117., 1347., 2744., 3365., 3742., 4112., 4123., 4141., 368
and 4167. of the Revised Code as if it were a school district 369
and will comply with section 3301.0714 of the Revised Code in 370
the manner specified in section 3314.17 of the Revised Code. 371

(e) The school shall comply with Chapter 102. and section 372
2921.42 of the Revised Code. 373

(f) The school will comply with sections 3313.61, 374
3313.611, 3313.614, 3313.617, 3313.618, and 3313.6114 of the 375
Revised Code, except that for students who enter ninth grade for 376
the first time before July 1, 2010, the requirement in sections 377
3313.61 and 3313.611 of the Revised Code that a person must 378
successfully complete the curriculum in any high school prior to 379
receiving a high school diploma may be met by completing the 380
curriculum adopted by the governing authority of the community 381
school rather than the curriculum specified in Title XXXIII of 382
the Revised Code or any rules of the state board of education. 383
Beginning with students who enter ninth grade for the first time 384
on or after July 1, 2010, the requirement in sections 3313.61 385
and 3313.611 of the Revised Code that a person must successfully 386
complete the curriculum of a high school prior to receiving a 387
high school diploma shall be met by completing the requirements 388
prescribed in section 3313.6027 and division (C) of section 389
3313.603 of the Revised Code, unless the person qualifies under 390

division (D) or (F) of that section. Each school shall comply 391
with the plan for awarding high school credit based on 392
demonstration of subject area competency, and beginning with the 393
2017-2018 school year, with the updated plan that permits 394
students enrolled in seventh and eighth grade to meet curriculum 395
requirements based on subject area competency adopted by the 396
state board of education under divisions (J) (1) and (2) of 397
section 3313.603 of the Revised Code. Beginning with the 2018- 398
2019 school year, the school shall comply with the framework for 399
granting units of high school credit to students who demonstrate 400
subject area competency through work-based learning experiences, 401
internships, or cooperative education developed by the 402
department under division (J) (3) of section 3313.603 of the 403
Revised Code. 404

(g) The school governing authority will submit within four 405
months after the end of each school year a report of its 406
activities and progress in meeting the goals and standards of 407
divisions (A) (3) and (4) of this section and its financial 408
status to the sponsor and the parents of all students enrolled 409
in the school. 410

(h) The school, unless it is an internet- or computer- 411
based community school, will comply with section 3313.801 of the 412
Revised Code as if it were a school district. 413

(i) If the school is the recipient of moneys from a grant 414
awarded under the federal race to the top program, Division (A), 415
Title XIV, Sections 14005 and 14006 of the "American Recovery 416
and Reinvestment Act of 2009," Pub. L. No. 111-5, 123 Stat. 115, 417
the school will pay teachers based upon performance in 418
accordance with section 3317.141 and will comply with section 419
3319.111 of the Revised Code as if it were a school district. 420

(j) If the school operates a preschool program that is 421
licensed by the department of education under sections 3301.52 422
to 3301.59 of the Revised Code, the school shall comply with 423
sections 3301.50 to 3301.59 of the Revised Code and the minimum 424
standards for preschool programs prescribed in rules adopted by 425
the state board under section 3301.53 of the Revised Code. 426

(k) The school will comply with sections 3313.6021 and 427
3313.6023 of the Revised Code as if it were a school district 428
unless it is either of the following: 429

(i) An internet- or computer-based community school; 430

(ii) A community school in which a majority of the 431
enrolled students are children with disabilities as described in 432
division (A) (4) (b) of section 3314.35 of the Revised Code. 433

(l) The school will comply with section 3321.191 of the 434
Revised Code, unless it is an internet- or computer-based 435
community school that is subject to section 3314.261 of the 436
Revised Code. 437

(12) Arrangements for providing health and other benefits 438
to employees; 439

(13) The length of the contract, which shall begin at the 440
beginning of an academic year. No contract shall exceed five 441
years unless such contract has been renewed pursuant to division 442
(E) of this section. 443

(14) The governing authority of the school, which shall be 444
responsible for carrying out the provisions of the contract; 445

(15) A financial plan detailing an estimated school budget 446
for each year of the period of the contract and specifying the 447
total estimated per pupil expenditure amount for each such year. 448

(16) Requirements and procedures regarding the disposition 449
of employees of the school in the event the contract is 450
terminated or not renewed pursuant to section 3314.07 of the 451
Revised Code; 452

(17) Whether the school is to be created by converting all 453
or part of an existing public school or educational service 454
center building or is to be a new start-up school, and if it is 455
a converted public school or service center building, 456
specification of any duties or responsibilities of an employer 457
that the board of education or service center governing board 458
that operated the school or building before conversion is 459
delegating to the governing authority of the community school 460
with respect to all or any specified group of employees provided 461
the delegation is not prohibited by a collective bargaining 462
agreement applicable to such employees; 463

(18) Provisions establishing procedures for resolving 464
disputes or differences of opinion between the sponsor and the 465
governing authority of the community school; 466

(19) A provision requiring the governing authority to 467
adopt a policy regarding the admission of students who reside 468
outside the district in which the school is located. That policy 469
shall comply with the admissions procedures specified in 470
sections 3314.06 and 3314.061 of the Revised Code and, at the 471
sole discretion of the authority, shall do one of the following: 472

(a) Prohibit the enrollment of students who reside outside 473
the district in which the school is located; 474

(b) Permit the enrollment of students who reside in 475
districts adjacent to the district in which the school is 476
located; 477

(c) Permit the enrollment of students who reside in any other district in the state. 478
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(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; 480
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(21) A provision recognizing the sponsor's authority to assume the operation of a school under the conditions specified in division (B) of section 3314.073 of the Revised Code; 484
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(22) A provision recognizing both of the following: 487

(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; 488
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(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. 492
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(23) A description of the learning opportunities that will be offered to students including both classroom-based and non-classroom-based learning opportunities that is in compliance with criteria for student participation established by the department under division (H) (2) of section 3314.08 of the Revised Code; 499
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(24) The school will comply with sections 3302.04 and 3302.041 of the Revised Code, except that any action required to 505
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be taken by a school district pursuant to those sections shall 507
be taken by the sponsor of the school. However, the sponsor 508
shall not be required to take any action described in division 509
(F) of section 3302.04 of the Revised Code. 510

(25) Beginning in the 2006-2007 school year, the school 511
will open for operation not later than the thirtieth day of 512
September each school year, unless the mission of the school as 513
specified under division (A) (2) of this section is solely to 514
serve dropouts. In its initial year of operation, if the school 515
fails to open by the thirtieth day of September, or within one 516
year after the adoption of the contract pursuant to division (D) 517
of section 3314.02 of the Revised Code if the mission of the 518
school is solely to serve dropouts, the contract shall be void. 519

(26) Whether the school's governing authority is planning 520
to seek designation for the school as a STEM school equivalent 521
under section 3326.032 of the Revised Code; 522

(27) That the school's attendance and participation 523
policies will be available for public inspection; 524

(28) That the school's attendance and participation 525
records shall be made available to the department of education, 526
auditor of state, and school's sponsor to the extent permitted 527
under and in accordance with the "Family Educational Rights and 528
Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended, 529
and any regulations promulgated under that act, and section 530
3319.321 of the Revised Code; 531

(29) If a school operates using the blended learning 532
model, as defined in section 3301.079 of the Revised Code, all 533
of the following information: 534

(a) An indication of what blended learning model or models 535

will be used;	536
(b) A description of how student instructional needs will be determined and documented;	537 538
(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;	539 540
(d) The school's attendance requirements, including how the school will document participation in learning opportunities;	541 542 543
(e) A statement describing how student progress will be monitored;	544 545
(f) A statement describing how private student data will be protected;	546 547
(g) A description of the professional development activities that will be offered to teachers.	548 549
(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;	550 551 552 553
(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.	554 555 556 557 558
(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.	559 560 561 562 563

(33) A provision requiring the governing authority to 564
adopt a student residence and address verification policy for 565
students enrolling in or attending the school. 566

(B) The community school shall also submit to the sponsor 567
a comprehensive plan for the school. The plan shall specify the 568
following: 569

(1) The process by which the governing authority of the 570
school will be selected in the future; 571

(2) The management and administration of the school; 572

(3) If the community school is a currently existing public 573
school or educational service center building, alternative 574
arrangements for current public school students who choose not 575
to attend the converted school and for teachers who choose not 576
to teach in the school or building after conversion; 577

(4) The instructional program and educational philosophy 578
of the school; 579

(5) Internal financial controls. 580

When submitting the plan under this division, the school 581
shall also submit copies of all policies and procedures 582
regarding internal financial controls adopted by the governing 583
authority of the school. 584

(C) A contract entered into under section 3314.02 of the 585
Revised Code between a sponsor and the governing authority of a 586
community school may provide for the community school governing 587
authority to make payments to the sponsor, which is hereby 588
authorized to receive such payments as set forth in the contract 589
between the governing authority and the sponsor. The total 590
amount of such payments for monitoring, oversight, and technical 591

assistance of the school shall not exceed three per cent of the 592
total amount of payments for operating expenses that the school 593
receives from the state. 594

(D) The contract shall specify the duties of the sponsor 595
which shall be in accordance with the written agreement entered 596
into with the department of education under division (B) of 597
section 3314.015 of the Revised Code and shall include the 598
following: 599

(1) Monitor the community school's compliance with all 600
laws applicable to the school and with the terms of the 601
contract; 602

(2) Monitor and evaluate the academic and fiscal 603
performance and the organization and operation of the community 604
school on at least an annual basis; 605

(3) Report on an annual basis the results of the 606
evaluation conducted under division (D) (2) of this section to 607
the department of education and to the parents of students 608
enrolled in the community school; 609

(4) Provide technical assistance to the community school 610
in complying with laws applicable to the school and terms of the 611
contract; 612

(5) Take steps to intervene in the school's operation to 613
correct problems in the school's overall performance, declare 614
the school to be on probationary status pursuant to section 615
3314.073 of the Revised Code, suspend the operation of the 616
school pursuant to section 3314.072 of the Revised Code, or 617
terminate the contract of the school pursuant to section 3314.07 618
of the Revised Code as determined necessary by the sponsor; 619

(6) Have in place a plan of action to be undertaken in the 620

event the community school experiences financial difficulties or 621
closes prior to the end of a school year. 622

(E) Upon the expiration of a contract entered into under 623
this section, the sponsor of a community school may, with the 624
approval of the governing authority of the school, renew that 625
contract for a period of time determined by the sponsor, but not 626
ending earlier than the end of any school year, if the sponsor 627
finds that the school's compliance with applicable laws and 628
terms of the contract and the school's progress in meeting the 629
academic goals prescribed in the contract have been 630
satisfactory. Any contract that is renewed under this division 631
remains subject to the provisions of sections 3314.07, 3314.072, 632
and 3314.073 of the Revised Code. 633

(F) If a community school fails to open for operation 634
within one year after the contract entered into under this 635
section is adopted pursuant to division (D) of section 3314.02 636
of the Revised Code or permanently closes prior to the 637
expiration of the contract, the contract shall be void and the 638
school shall not enter into a contract with any other sponsor. A 639
school shall not be considered permanently closed because the 640
operations of the school have been suspended pursuant to section 641
3314.072 of the Revised Code. 642

Sec. 3319.614. (A) Within ninety days after the effective 643
date of this section, the state board of education shall amend 644
the licensure code of professional conduct for Ohio educators, 645
or any other equivalent standards of conduct for professional 646
licensure, to include the following as conduct unbecoming 647
actions: 648

(1) Promoting a teacher's personal political or 649
ideological belief or position; 650

(2) Failing to fairly present both sides of a political or ideological belief or position; 651
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(3) Unfairly evaluating a student's work because it does not reflect the teacher's political or ideological belief or position. 653
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(B) Nothing in this section shall be construed to prohibit the state board of education from maintaining standards already adopted or adopting new standards not in conflict with the provisions of this section. 656
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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, 3302.037, 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, 3313.6026, 3313.6028, 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, 3319.238, 3319.318, 3319.32, 3319.321, 3319.35, 3319.39, 3319.391, 3319.393, 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., 660
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3307., 3309., 3365., 3742., 4112., 4123., 4141., and 4167. of 681
the Revised Code as if it were a school district. 682

Sec. 3345.0216. (A) As used in this section: 683

(1) "Promote" or "promotion" has the same meaning as in 684
section 3313.6028 of the Revised Code. 685

(2) "State institution of higher education" has the same 686
meaning as in section 3345.011 of the Revised Code. 687

(B) (1) No state moneys shall be expended by any state 688
institution of higher education in support or promotion of any 689
concept described in divisions (B) (1) to (8) of section 690
3313.6028 of the Revised Code. 691

(2) No employee of a state institution of higher education 692
shall face any penalty or discrimination on account of the 693
employee's refusal to support, believe, endorse, embrace, 694
confess, act upon, or otherwise assent to concepts described in 695
divisions (B) (1) to (8) of section 3313.6028 of the Revised 696
Code. No employee shall be required to complete a curriculum 697
promoting concepts described in divisions (B) (1) to (8) of 698
section 3313.6028 of the Revised Code as a condition or 699
prerequisite of employment. 700

(3) No state institution of higher education shall do 701
either of the following: 702

(a) Include as part of new student or freshman orientation 703
teaching, instruction, or training promoting or compelling 704
adherence to any of the concepts described in divisions (B) (1) 705
to (8) of section 3313.6028 of the Revised Code; 706

(b) Require any student to complete any course that 707
contains instruction on any of the concepts described in 708

divisions (B) (1) to (8) of section 3313.6028 of the Revised Code 709
as a condition of selecting a particular major in any 710
undergraduate program. However, this provision shall not be 711
construed to prohibit a student from voluntarily taking 712
additional courses that focus on, or incorporate, any of the 713
concepts described in divisions (B) (1) to (8) of section 714
3313.6028 of the Revised Code. 715

(C) The board of trustees of each state institution of 716
higher education shall update the institution's policy on 717
faculty tenure prescribed by section 3345.45 of the Revised Code 718
to reflect the principles contained in this section. 719

(D) The board of trustees of each state institution of 720
higher education shall do the following: 721

(1) Review the institution's respective grant and 722
scholarship programs to identify which programs may require 723
grant or scholarship recipients, as a condition of receiving a 724
grant or scholarship from the institution, to certify that the 725
recipient shall not use grant or scholarship funds to promote or 726
compel adherence to any of the concepts described in divisions 727
(B) (1) to (8) of section 3313.6028 of the Revised Code; 728

(2) Review all training programs for employees relating to 729
diversity, equity, or inclusion to ensure the programs comply 730
with the requirements of this section. If a training program 731
provided by a contracted entity relates to diversity, equity or 732
inclusion that advocates or promotes or compels adherence to any 733
of the concepts described in divisions (B) (1) to (8) of section 734
3313.6028 of the Revised Code and violates the applicable 735
contract, the board of trustees shall evaluate whether to pursue 736
debarment of the contractor, consistent with applicable law and 737
regulation. 738

(3) Ensure that concepts described in divisions (B) (1) to 739
(8) of section 3313.6028 of the Revised Code are not advocated, 740
acted upon, or promoted by the state institution, the 741
institution's employees during work hours, or any contractor 742
hired by the institution to provide training, workshops, forums, 743
or similar programming to the institution's employees; 744

(4) Encourage employees not to judge each other by their 745
national origin, race, color, ethnicity, sex, or any other 746
characteristic protected by federal or state law; 747

(5) Issue to all employees the policy developed under 748
division (E) (1) of this section, annually review and assess the 749
institution's compliance with the policy, and submit a report to 750
the department of higher education regarding the institution's 751
compliance. At least one employee of the institution shall be 752
responsible for ensuring compliance with the requirements of the 753
policy. 754

(E) The chancellor of higher education shall do all of the 755
following: 756

(1) Develop a policy that complies with the requirements 757
of this section and incorporates the requirements of diversity, 758
equity, and inclusion efforts and encourages employees of state 759
institutions of higher education not to judge each other by 760
their national origin, race, color, ethnicity, religion, sex, or 761
any other characteristic protected by federal or state law. To 762
the extent that it is appropriate for use by state institutions 763
of higher education, the policy shall be substantially similar 764
to the policy developed by the department of administrative 765
services pursuant to division (E) (1) of section 4113.35 of the 766
Revised Code. 767

(2) Establish rules in accordance with Chapter 119. of the 768
Revised Code for the implementation and enforcement of the 769
policy; 770

(3) Prepare a biennial report regarding adoption and 771
enforcement of this section and submit the report to the general 772
assembly in accordance with section 101.68 of the Revised Code. 773
The report shall provide detailed information for each violation 774
found under section 3345.0217 of the Revised Code. The 775
chancellor shall submit the report not later than the last day 776
of June of each even-numbered year, beginning in 2024. 777

(F) Nothing in this section shall be construed to prohibit 778
any of the following: 779

(1) Discussing or using supplemental instructional 780
materials, as part of a larger course of academic instruction, 781
to teach about concepts described in divisions (B) (1) to (8) of 782
section 3313.6028 of the Revised Code in an objective manner and 783
without endorsement. Such materials may include the following: 784

(a) The history of an ethnic group, as described in 785
textbooks and instructional materials selected in accordance 786
with the textbook selection policy adopted in accordance with 787
section 3345.025 of the Revised Code; 788

(b) The discussion of controversial aspects of history; 789

(c) The instruction on the historical oppression of a 790
particular group of people based on race, ethnicity, class, 791
national origin, religion, or geographic region; 792

(d) Historical documents permitted under statutory law, 793
such as the national motto, the national anthem, the Ohio 794
Constitution, the United States Constitution, the Revised Code, 795
federal law, and United States Supreme Court decisions. 796

<u>(2) The promotion of American nationalism;</u>	797
<u>(3) The objective teaching of the American civil rights movement.</u>	798 799
<u>(4) The discussion of any of the concepts described in divisions (B) (1) to (8) of this section by any employee of a state institution of higher education, provided the employee is acting in the employee's individual capacity and not within the scope of employment.</u>	800 801 802 803 804
<u>(5) In a course of instruction on public speaking, speech, formal debate, or substantially similar subject matter, any of the following:</u>	805 806 807
<u>(a) The assignment of research, topics of debate, public speaking prompts, or other tasks that are controversial or addresses a concept described in divisions (B) (1) to (8) of section 3313.6028 of the Revised Code, provided the professor does not compel or promote adherence to any of those concepts;</u>	808 809 810 811 812
<u>(b) The assignment of a grade or score for completion or partial completion of research, debate, public speaking, or other task, provided the grade or score is calculated using ordinary academic standards of substance and relevance, including any legitimate pedagogical concerns. No student's grade shall be negatively affected by the student's refusal to express belief or support for any of the concepts described in divisions (B) (1) to (8) of section 3313.6028 of the Revised Code.</u>	813 814 815 816 817 818 819 820 821
<u>(c) Questions posed by a professor that are meant to promote discussion between students, provided the professor does not compel or promote adherence to any of the concepts described in division (B) (1) to (8) of section 3313.6028 of the Revised</u>	822 823 824 825

Code; 826

(d) Respectful student to student discussion or debate, 827
notwithstanding the fact it may address any of the concepts 828
described in divisions (B)(1) to (8) of section 3313.6028 of the 829
Revised Code, provided the professor does not participate except 830
to enforce classroom decorum or rules of the state institution 831
of higher education; 832

(e) Student research, practice, public speaking, other 833
assigned tasks, and questions, including advocacy of a student's 834
own perspectives or volunteering. 835

Sec. 3345.0217. (A) A founding principle of the United 836
States of America is freedom of speech and of thought. It is the 837
fundamental purpose of this section to protect those rights. 838
Academic freedom involves protecting the student's right to 839
inquiry without compelled adherence to, or indoctrination 840
toward, any particular philosophy or religion, especially 841
through the coercion of grades, class status, and opportunities. 842

(B) A student enrolled in a state institution of higher 843
education, as defined in section 3345.011 of the Revised Code, 844
who believes the student has been discriminated against or 845
penalized by failure to adhere to any of the concepts described 846
in divisions (B)(1) to (8) of section 3313.6028 of the Revised 847
Code, or whose grade is negatively impacted by refusal to 848
express belief in or support of the concepts described in 849
divisions (B)(1) to (8) of section 3313.6028 of the Revised Code 850
may file a grievance using the state institution's standard 851
student grievance process, provided that process affords the 852
student a due process hearing during which the student and the 853
professor being accused have the opportunity to be heard and 854
present testimony. The state institution shall determine whether 855

a violation of section 3345.0216 of the Revised Code has 856
occurred within fourteen days of the receipt of the complaint. 857

(C) If the student's complaint is denied by the state 858
institution, the student may appeal to the chancellor of higher 859
education. The chancellor shall review the appeal within 860
fourteen days of the filing of the appeal. The chancellor shall 861
either affirm or overrule the state institution's decision based 862
on the provisions of this section and section 3345.0216 of the 863
Revised Code. 864

(1) If the chancellor overrules the determination made by 865
the state institution, the institution shall be considered to 866
have violated the provisions of section 3345.0216 of the Revised 867
Code. In this case, the chancellor shall withhold the 868
institution's state share of instruction in proportion to the 869
total number of students enrolled in the class for which the 870
student filed a complaint. 871

(2) If a state institution complies with division (D) of 872
this section within thirty days after the date of the 873
determination that a violation occurred, the chancellor shall 874
restore the full amount of funds withheld. If a state 875
institution does not comply within thirty days, the state 876
institution shall forfeit those moneys, and the chancellor shall 877
credit them to the general revenue fund. 878

(3) If the state institution receives monthly payments, 879
the funds shall be withheld over the semester following the 880
violation. If the state institution receives annual payments, a 881
lump sum shall be withheld annually for any semesters with a 882
violation. 883

(D) The state institution shall do all of the following if 884

it is found to have committed a violation under this section, in 885
accordance with division (C) of this section: 886

(1) Redact any grade the student received associated with 887
the class for which the student filed a complaint; 888

(2) Modify the student's transcript to reflect the 889
redaction prescribed by division (D)(1) of this section; 890

(3) Refund and credit the tuition associated with that 891
class to the individual or entity who paid that tuition. 892

(E) If the state institution determines that a violation 893
has been committed under division (B) of this section, the state 894
institution shall comply with division (D) of this section if 895
the student who filed the complaint so requests it. 896

Sec. 4113.35. (A) As used in this section: 897

(1) "State agency" means every organized body, office, or 898
agency established by the laws of the state for the exercise of 899
any function of state government, the public employees 900
retirement system, the Ohio police and fire pension fund, the 901
state teachers retirement system, the school employees 902
retirement system, and the state highway patrol retirement 903
system. 904

(2) "Political subdivision" has the same meaning as in 905
section 9.23 of the Revised Code. 906

(B)(1) No state agency or political subdivision shall 907
offer teaching, instruction, or training promoting any of the 908
concepts described in divisions (B)(1) to (8) of section 909
3313.6028 of the Revised Code to any employees, contractors, 910
staff members, or any other individual or group or require or 911
compel them to attend, participate, adhere to, adopt or believe 912

in one or more of those concepts. 913

(2) No state employee or political subdivision employee 914
shall face any penalty or discrimination on account of the 915
employee's refusal to support, believe, endorse, embrace, 916
confess, act upon, or otherwise assent to any of the concepts 917
described in divisions (B) (1) to (8) of section 3313.6028 of the 918
Revised Code. No state employee or political subdivision 919
employee shall be required to complete a curriculum promoting 920
any of the concepts described in divisions (B) (1) to (8) of 921
section 3313.6028 of the Revised Code as a condition or 922
prerequisite of employment. 923

(3) No state agency or political subdivision shall accept 924
federal grants or private funding for the purpose of developing 925
curriculum, purchasing or selecting course materials or 926
curriculum, or providing training or professional development 927
for a course that promotes any of the concepts described in 928
divisions (B) (1) to (8) of section 3313.6028 of the Revised 929
Code. No moneys shall be expended by any state agency or 930
political subdivision in support or promotion of any of the 931
concepts described in division (B) (1) to (8) of section 932
3313.6028 of the Revised Code. 933

(4) No employee of a state agency shall approve for use, 934
make use of, or carry out standards, curricula, lesson plans, 935
textbooks, instructional materials, or instructional practices 936
that serve to inculcate or promote any of the concepts described 937
in divisions (B) (1) to (8) of section 3313.6028 of the Revised 938
Code. 939

(C) The administrative head of each state agency shall do 940
the following: 941

(1) Review the agency's respective grant programs to 942
identify which programs may require grant recipients, as a 943
condition of receiving a grant from the agency, to certify that 944
the recipient shall not use grant funds to promote any of the 945
concepts described in divisions (B)(1) to (8) of section 946
3313.6028 of the Revised Code. 947

(2) Review all training programs for agency employees 948
relating to diversity, equity, or inclusion to ensure the 949
programs comply with the requirements of division (B) of this 950
section. If a training program provided by a contracted entity 951
relates to diversity, equity, or inclusion that advocates or 952
promotes any of the concepts described in divisions (B)(1) to 953
(8) of section 3313.6028 of the Revised Code and violates the 954
applicable contract, the agency head shall evaluate whether to 955
pursue debarment of the contractor, consistent with applicable 956
law and regulation. 957

(3) Ensure that any of the concepts described in divisions 958
(B)(1) to (8) of section 3313.6028 of the Revised Code are not 959
advocated, acted upon, or promoted by the agency, the agency's 960
employees during work hours, or any contractor hired by the 961
agency to provide training, workshops, forums, or similar 962
programming to the agency's employees; 963

(4) Encourage agency employees not to judge each other by 964
their national origin, race, color, ethnicity, religion, sex, or 965
any other characteristic protected by federal or state law; 966

(5) Issue to all agency employees the policy developed 967
under division (E) of this section, annually review and assess 968
the agency's compliance with the policy, and submit a report to 969
the department of administrative services regarding the agency's 970
compliance. At least one employee of the agency shall be 971

responsible for ensuring compliance with the requirements of the 972
policy. 973

(D) The legislative authority of each political 974
subdivision shall do the following: 975

(1) Review the political subdivision's respective grant 976
programs to identify which programs may require grant 977
recipients, as a condition of receiving a grant from the 978
political subdivision, to certify that the recipient shall not 979
use grant funds to promote any of the concepts described in 980
divisions (B) (1) to (8) of section 3313.6028 of the Revised 981
Code; 982

(2) Review all training programs for political subdivision 983
employees relating to diversity, equity, or inclusion to ensure 984
the programs comply with the requirements of division (B) of 985
this section. If a training program provided by a contracted 986
entity relates to diversity, equity, or inclusion that advocates 987
or promotes any of the concepts described in divisions (B) (1) to 988
(8) of section 3313.6028 of the Revised Code and violates the 989
applicable contract, the legislative authority of the political 990
subdivision shall evaluate whether to pursue debarment of the 991
contractor, consistent with applicable law and regulation. 992

(3) Ensure that any of the concepts described in divisions 993
(B) (1) to (8) of section 3313.6028 of the Revised Code are not 994
advocated, acted upon, or promoted by the political subdivision, 995
the political subdivision's employees during work hours, or any 996
contractor hired by the political subdivision to provide 997
training, workshops, forums, or similar programming to the 998
political subdivision's employees; 999

(4) Encourage political subdivision employees not to judge 1000

each other by their national origin, race, color, ethnicity, 1001
religion, sex, or any other characteristic protected by federal 1002
or state law; 1003

(5) Issue to all political subdivision employees the 1004
policy developed under division (E) of this section, annually 1005
review and assess the political subdivision's compliance with 1006
the policy, and submit a report to the department of 1007
administrative services regarding the political subdivision's 1008
compliance. At least one employee of the political subdivision 1009
shall be responsible for ensuring compliance with the 1010
requirements of the policy. 1011

(E) (1) The department of administrative services shall 1012
develop a policy that complies with the requirements of this 1013
section and incorporates the requirements of diversity and 1014
inclusion efforts and encourages state employees and political 1015
subdivision employees not to judge each other by their national 1016
origin, race, color, ethnicity, religion, sex, or any other 1017
characteristic protected by federal or state law. 1018

(2) The department shall submit the proposed policy to the 1019
joint committee on agency rule review, created in section 101.35 1020
of the Revised Code. When the department submits that policy, 1021
the joint committee on agency rule review shall do both of the 1022
following: 1023

(a) Hold at least one public hearing at which testimony 1024
may be presented; 1025

(b) Vote to determine whether to approve the policy. 1026

(3) Once the policy is approved, the department shall make 1027
it available to political subdivisions for voluntary use. 1028

(4) The department shall establish rules in accordance 1029

with Chapter 119. of the Revised Code for the implementation and 1030
enforcement of the policy. 1031

(5) The department shall prepare a biennial report 1032
regarding compliance with this section by state and political 1033
subdivision employees and submit the report to the general 1034
assembly in accordance with section 101.68 of the Revised Code. 1035
The department shall submit the report not later than the last 1036
day of June of each even-numbered year, beginning in 2024. 1037

(F) Nothing in this section shall be construed to prohibit 1038
discussing or using supplemental instructional materials, as 1039
part of a larger course of academic instruction or training, to 1040
teach about any of the concepts described in divisions (B)(1) to 1041
(8) of section 3313.6028 of the Revised Code in an objective 1042
manner and without endorsement. Such materials may include the 1043
following: 1044

(1) The history of an ethnic group, as described in 1045
textbooks and instructional materials adopted in accordance with 1046
statutory law concerning textbooks and instructional materials; 1047

(2) The discussion of controversial aspects of history; 1048

(3) The instruction on the historical oppression of a 1049
particular group of people based on national origin, race, 1050
color, ethnicity, religion, or sex; 1051

(4) Historical documents permitted under statutory law, 1052
such as the national motto, the national anthem, the Ohio 1053
Constitution, the United States Constitution, the Revised Code, 1054
federal law, and United States Supreme Court decisions. 1055

(5) The discussion of any of the concepts described in 1056
divisions (B)(1) to (8) of this section by any employee of a 1057
state agency or political subdivision, provided the employee is 1058

acting in the employee's individual capacity and not within the 1059
scope of employment. 1060

Section 2. That existing sections 3313.21, 3314.03, and 1061
3326.11 of the Revised Code are hereby repealed. 1062

Section 3. This act shall be known as "The Promoting 1063
Education, Not Indoctrination Act." 1064

Section 4. (A) The General Assembly recognizes all of the 1065
following: 1066

(1) The First Amendment of the United States Constitution 1067
and Section 11 of Article I, Ohio Constitution protect freedom 1068
of speech by prohibiting laws abridging, curtailing, or 1069
restraining free speech; 1070

(2) The Fourteenth Amendment of the United States 1071
Constitution and Section 2 of Article I, Ohio Constitution 1072
provide that no person shall be denied the equal protection of 1073
the laws; 1074

(3) No provision in the United States Constitution or the 1075
Ohio Constitution enables either the United States government or 1076
the government of this state to compel individuals to affirm, 1077
adopt, adhere to, profess, or promote specific beliefs. 1078

(B) The General Assembly finds all of the following: 1079

(1) Slavery, racial discrimination under the law, and 1080
racism in general are so inconsistent with the founding 1081
principles of the United States that Americans fought a civil 1082
war to eliminate the first, waged long-standing political 1083
campaigns to eradicate the second, and rendered the third 1084
unacceptable in the court of public opinion, all of which 1085
dispels the idea that the United States and its institutions are 1086

systemically racist and confutes the notion that slavery, racial 1087
discrimination under the law, and racism should be at the center 1088
of public elementary, secondary, and postsecondary educational 1089
institutions; 1090

(2) Democratic societies built on the ideals of individual 1091
freedom and the self-driven pursuit of prosperity with a 1092
dedication to equal opportunity for all will thrive in 1093
perpetuity, while societies built on the false promises of 1094
equity and equal outcomes for all have consistently ended in 1095
failed states; 1096

(C) It is the intent of the General Assembly: 1097

(1) That the State Board of Education, the Department of 1098
Education, local boards of education, and administrators, 1099
teachers, and other personnel of the public elementary and 1100
secondary schools of this state maintain policies in accordance 1101
with Title IV and Title VI of the Civil Rights Act of 1964. 1102

(2) To promote and protect the intellectual freedom of 1103
students, faculty, and other personnel at postsecondary 1104
educational institutions of this state which receive in any 1105
manner funds from this state. 1106