

Ohio Sub HB327

134th
General
Assembly

"The Promoting Education Not Indoctrination Act"

SPONSORED BY: Ohio State Reps. Diane Grendell (R-Chesterland) & Sarah Fowler Arther (R-Ashtabula)

TARGETS:

Pre K-12 Schools (School Districts, Community Schools, STEM Schools, School Buildings Operated by a School District), Higher Education Institutions, Nonpublic School Enrolling Students Using a State Scholarship Program, Political Subdivisions

Bill Prohibits Promotion of "DIVISIVE CONCEPTS", defined as:

- One nationality, color, ethnicity, race, sex, or religion is inherently superior to another
- US is fundamentally racist or sexist
- An individual is inherently racist, sexist, oppressive (consciously or unconsciously) by virtue of their nationality, color, ethnicity, race, sex, or religion
- An individual should be discriminated against or receive adverse treatment solely based on their nationality, color, ethnicity, race, sex, or religion
- Members of one nationality, color, ethnicity, race, sex, or religion cannot or should not attempt to treat others disrespectfully based on nationality, color, ethnicity, race, sex, or religion
- An individual's moral character is determined by their nationality, color, ethnicity, race, sex, or religion
- Individual bears responsibility for actions committed in the past by other mbrs of same nationality, color, ethnicity, race, sex, or religion
- Meritocracy or hard work ethic are racist or sexist, and created by members of a particular nationality, color, ethnicity, race, sex, or religion to oppress other mbrs of nationality, color, ethnicity, race, sex, or religion
- Any other form of race or stereotyping or race or sex scapegoating

Specifically Prohibits:

- Teaching, instructing, training, advocating or promoting of **Divisive Concepts**
- Awarding credit towards high school graduation for subject matter or courses that promote Divisive Concepts
- Requiring a student to advocate for or against a specific topic or point of view to receive credit for coursework or graduation credit
- State Board of Education from adopting any model curriculum, standard, professional development resources, etc, that promotes **Divisive Concepts**
- School District Boards of Education from selecting any textbook, instructional material or academic curriculum that promotes **Divisive Concepts**
- Applying for any federal grants to develop or select a curriculum, purchasing course materials, or provide teacher training for a course about **Divisive Concepts**
- Acceptance of private funding for the purpose of developing curriculum, purchasing or selecting course material, or providing teacher training or PD for a course promoting **Divisive Concepts**
- Expending any monies in support of teaching **Divisive Concepts**
- Promotion of professional development that promotes **Divisive Concepts**
- School or higher education institution from penalizing or discriminating against a teacher, administrator, employee for their refusal to support, believe, or assent to **Divisive Concepts**
- School or higher education institution from requiring a teacher, administrator, employee to complete a curriculum including **Divisive Concepts** as a condition or prerequisite for employment
- Higher education institutions from including **Divisive Concepts** in new student or freshman orientation teaching, instruction, or training

RESPONSIBILITIES, ENFORCEMENT, PUNISHMENT

Pre K-12

Superintendent of Public Instruction & Dept of Education (DOE)

- Responsible for determining school district and school compliance
- Issue penalties to school district or school for reckless or knowing violations of bill (requires confirmed report from student, parent, teacher, or community member)
 - 1st, 2nd, 3rd offense incur 25%, 50%, 100% withdrawal of state funding, respectively

State Board of Education (BOE)

- Adopts rules regarding implementation of bill and monitoring compliance
- Issues penalties to teacher, principal, or school district superintendent for reckless or knowing violation of bill (requires confirmed report) :
 - 1st Offense: issue official licensure admonishment
 - 2nd Offense: suspend licensure, for time determined by severity of violation
 - 3rd Offense: revoke licensure, for time determined by severity of violation
- Prepare and submit annual compliance report to the General Assembly, including detailed info on confirmed reports and copy of each complaint filed by June 30, beginning 2022

Higher Education Institutions

Chancellor of Higher Education

- Establish rules for implementation and enforcement of policy
- Develop policy that complies with bill (similar to Dept of Administrative Services policy)
- Prepare and submit biennial report, including detailed information of any confirmed violation, to General Assembly by Nov 30, each even-numbered year, beginning 2022
- If Chancellor determines a violation through a confirmed report, the Dept of Higher Education must withhold state funding until the institution complies:
 - 1st, 2nd, 3rd offense incur 25%, 50%, 100% withdrawal of state funding, respectively

Board of Trustees of Each State Institution of Higher Education

- Issue policy developed by the Chancellor to all employees, annually review and assess for compliance, submit compliance report to Dept of Higher Education
- Update policy on faculty tenure to reflect bill's principles
- Consider faculty violations as negative decision factors for employment and tenure
- Review grant programs and identify any required certification the recipient will not use funds to promote Divisive Concepts
- Review employee diversity or inclusion training programs to ensure compliance with bill
- Ensure compliance of political subdivisions and employees during work hours, and contractors
- Encourage employees not to judge based on characteristics protected by federal and state law
- If contracted entity promotes Divisive Concepts and violates public contract, evaluate pursuit of contractor debarment

RESPONSIBILITIES, ENFORCEMENT, PUNISHMENT

Political Subdivisions, State Agencies, Dept of Admin Svcs

Political Subdivisions

- Review grant programs, identify any requiring certification that recipient will not use funds to promote Divisive Concepts
- Review employee diversity or inclusion training programs to ensure compliance
- Ensure compliance of political subdivisions and employees during work hours, and contractors
- Encourage employees not to judge based on characteristics protected by federal and state law
- Evaluate and consider debarment of contracted entity for violations
- Issue policy developed by Dept of Administrative Services to all employees, annually review to assess compliance, and submit annual compliance report to Dept of Administrative Services

Heads of State Agencies

- Review grant programs and identify any requiring certification that recipient will not use funds to promote Divisive Concepts
- Review employee diversity or inclusion training program to ensure compliance
- Ensure compliance of employees during work hours, and contractors
- Encourage employees not to judge based on characteristics protected by federal and state law
- Evaluate and consider debarment of contracted entity for violations

Department of Administrative Services

- Develop policy that:
 - Complies with bill, specifically list of prohibitions and Divisive Concepts
 - Incorporates the requirement of diversity and inclusion efforts
 - Encourage employees not to judge based on characteristics protected by federal and state law
- Establish rules for implementation and enforcement of policy, to include political subdivision employees
- Prepare and submit biennial compliance report to General Assembly by Nov 30, each even-numbered year, beginning 2022

PERMISSIBLE USE OF "DIVISIVE CONCEPTS" CONTENT

Must be presented in an objective manner, without endorsement

Material and discussion may include:

- History of an ethnic group, as described in textbooks and materials adopted in accordance with the Ohio Revised Code
- Impartial discussion of controversial aspects of history
- Impartial instruction on historical oppression of a particular group of people based on race, ethnicity, class, nationality, religion, or geographic region
- Historical documents permitted under statutory law: national motto, national anthem, Ohio Constitution, US Constitution, Ohio Revised Code, federal law, US Supreme Court decisions
- For public speaking, formal debate or similar subject matter within public school or higher education:
 - Teacher/professor must remain neutral and not promote Divisive Concepts in the assignment of research or other work, assignment of grade or score, assignment of unbiased and impartial questions