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

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

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

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

(1) Textbooks, pursuant to section 3329.08 of the Revised Code.
Code, and reading lists;

(2) Instructional materials;

(3) Academic curriculum.

(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.

(C) Nothing in this section is intended to promote or encourage the utilization of any particular text or source material on a statewide basis.

(D) 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.

(E) 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.

Sec. 3313.6028. (A) As used in this section:

(1) "National origin," "race," "color," "ethnicity," and "religion" shall be interpreted as described in the original text of the "Civil Rights Act of 1964."

(2) "Sex" means biological sex.

(3) "Promote" or "promotion" means either of the following
processes:

(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;

(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.

(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:

(1) That individuals of any race, ethnicity, color, sex, religion, or national origin are inherently superior or inferior;

(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;

(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;

(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:
(5) That meritocracy or traits such as a hard work ethic are racist or sexist, or were created by individuals of a particular race, ethnicity, color, sex, religion, or national origin to oppress individuals of another race, ethnicity, color, sex, religion, or national origin;

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

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

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

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

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

(i) Funds paid directly to the chartered nonpublic school for auxiliary services, as prescribed by division (E)(2) of
section 3317.024 of the Revised Code;

(ii) Reimbursement of the actual mandated service
administrative and clerical costs incurred by a chartered
nonpublic school, as prescribed by section 3317.063 of the
Revised Code.

(b) Nothing in division (B)(2) of this section shall be
construed to prohibit any nonpublic school from promoting the
school's closely held religious beliefs or specifying that the
school's religion is superior to other religions.

(3) No state agency, school district, school building, or
teacher shall apply for any federal grants or accept private
funding or donated materials for the purpose of developing a
curriculum, purchasing or selecting a curriculum or course
materials, or providing teacher training or professional
development for a course that compels individuals to affirm,
adopt, adhere to, profess, or promote any of the concepts
described in divisions (B)(1) to (8) of this section. No moneys
shall be expended in promoting those concepts.

(4) No school teacher, administrator, or other school
employee shall face any penalty or discrimination on account of
the school teacher's, administrator's, or other school
employee's refusal to support, believe, endorse, embrace,
confess, act upon, or otherwise assent to any of the concepts
described in divisions (B)(1) to (8) of this section. No school
teacher, administrator, or other school employee shall be
compelled or required to complete a curriculum promoting any of
the concepts described in divisions (B)(1) to (8) of this
section as a condition or prerequisite of employment.

(5)(a) No state agency, school district, community school,
STEM school, or school administration shall compel or require a teacher who is employed by the board of education of a school district or governing authority of a school to discuss current events or widely debated and currently controversial issues of public policy or social affairs.

(b) 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 shall present each topic in a nonpartisan manner.

(c) No school teacher shall be required or compelled through 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.

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

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

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

(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:

(a) For a first offense, issue an official licensure admonishment;

(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;

(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.

(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.
(E) The parent, guardian, or custodian of any student who, by way of a violation of this section, is compelled to adhere to, or is subjected to indoctrination through use of any of the concepts described in divisions (B)(1) to (8) of this section in order to receive a class grade or graduation credit, may bring an action for injunctive relief against the school, school district, or school employee responsible for the violation.

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

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

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

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

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

(a) The history of an ethnic group, as described in textbooks and instructional materials selected by each school district in accordance with section 3313.21 of the Revised Code;

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

(c) The nonpartisan instruction on the historical oppression or treatment of a particular group of people based on national origin, race, color, ethnicity, religion, sex, class, or geographic region;

(d) Historical documents permitted under statutory law, including, but not limited to, the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions;

(e) Nonpartisan questions posed by a teacher that are meant to promote discussion between students, provided the teacher does not promote adherence to any of the concepts described in divisions (B)(1) to (8) of this section;

(f) Student research, practice, public speaking, other assigned tasks, and questions, including advocacy of a student's own perspectives or volunteering;

(g) The promotion of American nationalism;

(h) The objective teaching of the American civil rights movement.

(2) The discussion of any of the concepts described in divisions (B)(1) to (8) of this section by any employee of a state agency, school district, or public elementary or secondary
school, provided the employee is acting in the employee's individual capacity and not within the scope of employment.

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

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

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

(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 in or support for any concept proscribed under division (B) of this section.

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

(H) If any provision this section or the application thereof to any person or circumstance is held invalid, the
invalidity does not affect other provisions or applications of the section or related sections that can be given effect without the invalid provision or application, and to this end the provisions are severable.

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;

(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.

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

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

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

(c) The annual mortgage principal and interest payments
that are paid by the school;

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

(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.

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

(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.

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

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

(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 receiving a high school diploma may be met by completing the curriculum adopted by the governing authority of the community school rather than the curriculum specified in Title XXXIII of the Revised Code or any rules of the state board of education. Beginning with students who enter ninth grade for the first time on or after July 1, 2010, the requirement in sections 3313.61 and 3313.611 of the Revised Code that a person must successfully complete the curriculum of a high school prior to receiving a high school diploma shall be met by completing the requirements prescribed in section 3313.6027 and division (C) of section 3313.603 of the Revised Code, unless the person qualifies under
division (D) or (F) of that section. Each school shall comply with the plan for awarding high school credit based on demonstration of subject area competency, and beginning with the 2017-2018 school year, with the updated plan that permits students enrolled in seventh and eighth grade to meet curriculum requirements based on subject area competency adopted by the state board of education under divisions (J)(1) and (2) of section 3313.603 of the Revised Code. Beginning with the 2018-2019 school year, the school shall comply with the framework for granting units of high school credit to students who demonstrate subject area competency through work-based learning experiences, internships, or cooperative education developed by the department under division (J)(3) of section 3313.603 of the Revised Code.

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

(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.

(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 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:

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

   (b) Permit the enrollment of students who reside in districts adjacent to the district in which the school is located;
(c) Permit the enrollment of students who reside in any other district in the state.

(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;

(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;

(22) A provision recognizing both of the following:

(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;

(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.

(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;

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

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

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

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

(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;

(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:

(a) An indication of what blended learning model or models
will be used;

(b) A description of how student instructional needs will be determined and documented;

(c) The method to be used for determining competency, granting credit, and promoting students to a higher grade level;

(d) The school's attendance requirements, including how the school will document participation in learning opportunities;

(e) A statement describing how student progress will be monitored;

(f) A statement describing how private student data will be protected;

(g) A description of the professional development activities that will be offered to teachers.

(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;

(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 regarding internal financial controls adopted by the governing authority of the school.

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

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

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

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

(3) Report on an annual basis the results of the evaluation conducted under division (D)(2) of this section to 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 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;

(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.

(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.

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

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

(1) Promoting a teacher's personal political or
ideological belief or position;
(2) Failing to fairly present both sides of a political or ideological belief or position:

(3) Unfairly evaluating a student's work because it does not reflect the teacher's political or ideological belief or position.

(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.

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

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

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

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

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

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

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

(b) Require any student to complete any course that contains instruction on any of the concepts described in
(B)(1) to (8) of section 3313.6028 of the Revised Code as a condition of selecting a particular major in any undergraduate program. However, this provision shall not be construed to prohibit a student from voluntarily taking additional courses that focus on, or incorporate, any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code.

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

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

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

(2) Review all training programs for employees relating to diversity, equity, or inclusion to ensure the programs comply with the requirements of this section. If a training program provided by a contracted entity relates to diversity, equity or inclusion that advocates or promotes or compels adherence to any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code and violates the applicable contract, the board of trustees shall evaluate whether to pursue debarment of the contractor, consistent with applicable law and regulation.
(3) Ensure that concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code are not advocated, acted upon, or promoted by the state institution, the institution's employees during work hours, or any contractor hired by the institution to provide training, workshops, forums, or similar programming to the institution's employees;

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

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

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

(1) Develop a policy that complies with the requirements of this section and incorporates the requirements of diversity, equity, and inclusion efforts and encourages employees of state institutions of higher education not to judge each other by their national origin, race, color, ethnicity, religion, sex, or any other characteristic protected by federal or state law. To the extent that it is appropriate for use by state institutions of higher education, the policy shall be substantially similar to the policy developed by the department of administrative services pursuant to division (E)(1) of section 4113.35 of the Revised Code.
(2) Establish rules in accordance with Chapter 119. of the Revised Code for the implementation and enforcement of the policy;

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

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

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

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

(b) The discussion of controversial aspects of history;

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

(d) Historical documents permitted under statutory law, such as the national motto, the national anthem, the Ohio Constitution, the United States Constitution, the Revised Code, federal law, and United States Supreme Court decisions.
(2) The promotion of American nationalism;

(3) The objective teaching of the American civil rights movement.

(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.

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

(a) The assignment of research, topics of debate, public speaking prompts, or other tasks that are controversial or 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;

(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.

(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
Code;

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

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

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

(B) A student enrolled in a state institution of higher education, as defined in section 3345.011 of the Revised Code, who believes the student has been discriminated against or penalized by failure to adhere to any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code, or whose grade is negatively impacted by refusal to express belief in or support of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code may file a grievance using the state institution's standard student grievance process, provided that process affords the student a due process hearing during which the student and the professor being accused have the opportunity to be heard and present testimony. The state institution shall determine whether
a violation of section 3345.0216 of the Revised Code has occurred within fourteen days of the receipt of the complaint.

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

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

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

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

(D) The state institution shall do all of the following if
it is found to have committed a violation under this section, in accordance with division (C) of this section:

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

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

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

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

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

(1) "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, 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.

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

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

(2) No state employee or political subdivision 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 any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code. No state employee or political subdivision employee shall be required to complete a curriculum promoting any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code as a condition or prerequisite of employment.

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

(4) No 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 or promote any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code.

(C) The administrative head of each state agency shall do the following:
(1) Review the agency's respective grant programs to identify which programs may require grant recipients, as a condition of receiving a grant from the agency, to certify that the recipient shall not use grant funds to promote any of the concepts described in divisions (B)(1) to (8) of section 3313.6028 of the Revised Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(4) The department shall establish rules in accordance
with Chapter 119. of the Revised Code for the implementation and enforcement of the policy.

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

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

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

(2) The discussion of controversial aspects of history;

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

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

(5) The discussion of any of the concepts described in divisions (B)(1) to (8) of this section by any employee of a state agency or political subdivision, provided the employee is
acting in the employee's individual capacity and not within the scope of employment.

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

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

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

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

2. The Fourteenth Amendment of the United States Constitution and Section 2 of Article I, Ohio Constitution provide that no person shall be denied the equal protection of the laws;

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

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

1. Slavery, racial discrimination under the law, and racism in general are so inconsistent with the founding principles of the United States that Americans fought a civil war to eliminate the first, waged long-standing political campaigns to eradicate the second, and rendered the third unacceptable in the court of public opinion, all of which dispels the idea that the United States and its institutions are
systemically racist and confutes the notion that slavery, racial
discrimination under the law, and racism should be at the center
of public elementary, secondary, and postsecondary educational
institutions;

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

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

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

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