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# OHIO LEGISLATIVE SERVICE COMMISSION

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H.B. 616  
134<sup>th</sup> General Assembly

## Bill Analysis

**Version:** As Introduced

**Primary Sponsors:** Reps. Loychik and Schmidt

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### SUMMARY

- Prohibits public schools and nonpublic schools that enroll students who are participating in state scholarship programs from teaching or providing training that promotes or endorses divisive or inherently racist concepts.
- Specifies that “divisive or inherently racist concepts” include (1) critical race theory, (2) intersectional theory, (3) the “1619 Project,” (4) diversity, equity, and inclusion learning outcomes, (5) inherited racial guilt, and (6) any other concept that the State Board of Education defines as divisive or inherently racist.
- Prohibits school district boards of education from selecting any textbook, instructional material, or academic curriculum that promotes divisive or inherently racist concepts.
- Prohibits the State Board from adopting any standards, model curricula, professional development resources, classroom resources, or assessments promoting divisive or inherent racist concepts.
- Prohibits public schools, nonpublic schools that enroll students who are participating in state scholarship programs, and any employee or other third party representing a school district or school from providing instruction or materials on sexual orientation or gender identity to (1) students in grades K-3 or (2) students in grades 4-12 that is not developmentally or age-appropriate.
- Requires the State Board to establish a procedure by which individuals may file complaints against a teacher, school, administrator, or school district superintendent alleging a violation of the bill’s prohibitions and to adopt rules to govern the implementation of and monitor compliance with the bill’s provisions.
- Requires the Department of Education to do the following:
  - Issue an adjudication order against a teacher, school administrator, or school district superintendent who is found to have violated the bill’s prohibitions;

- Withhold funding from a school district or school that is found to have violated the bill's prohibitions.

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## **DETAILED ANALYSIS**

### **Prohibition on teaching or training in specified topics**

#### **Divisive or inherently racist concepts**

The bill prohibits public schools (school districts, community schools, and STEM schools) and nonpublic schools that enroll students who are participating in state scholarship programs from teaching, using, or providing for use by any student any curriculum, instructional material, or assignment designed to promote or endorse divisive or inherently racist concepts. Those entities also are prohibited from offering training or professional development in those concepts.<sup>1</sup>

For purposes of the bill, “divisive or inherently racist concepts” include (1) critical race theory, (2) intersectional theory, (3) the “1619 Project,” (4) diversity, equity, and inclusion learning outcomes, (5) inherited racial guilt, and (6) any other concept that the State Board of Education defines as divisive or inherently racist.<sup>2</sup>

The bill further prohibits school district boards of education from selecting any textbook, instructional material, or academic curriculum that promotes divisive or inherently racist concepts. The State Board also is prohibited from adopting any standards, model curricula, professional development resources, classroom resources, or assessments promoting those concepts.<sup>3</sup>

Also, under the bill, teachers are prohibited from receiving continuing education credit or other credit required for licensure renewal for any seminar or other program that teaches, promotes, or endorses divisive or inherently racist concepts.<sup>4</sup>

#### **Sexual orientation or gender identity**

The bill prohibits public schools and nonpublic schools that enroll students who are participating in state scholarship programs or any employee or other third party representing a school district or school from doing the following:

- Teaching, using, or providing any curriculum or instructional materials on sexual orientation or gender identity to a student in any of grades K-3;

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<sup>1</sup> R.C. 3313.6029(B)(1); applies to community schools and STEM schools through references in R.C. 3314.03(A)(11)(d) and 3326.11.

<sup>2</sup> R.C. 3313.6029(A).

<sup>3</sup> R.C. 3313.21(D) and 3313.6029(E)(2).

<sup>4</sup> R.C. 3313.6029(C).

- Teaching, using, or providing any curriculum or instructional materials on sexual orientation or gender identity to a student in any of grades 4-12 that is not age-appropriate or developmentally appropriate in accordance with state standards.<sup>5</sup>

## Procedures to address violations of the bill's prohibitions

The bill requires the State Board to establish a procedure by which an individual may file a complaint alleging a violation of the above prohibitions by a teacher, school administrator, or school district superintendent. The procedure must afford an individual who has a complaint filed against them the opportunity for an administrative hearing.

If the Superintendent of Public Instruction finds that a teacher, school administrator, or superintendent violated the bill's prohibitions, the Department of Education then must issue an adjudication order based upon the severity of the offense, which may include an official licensure admonishment, licensure suspension, or licensure revocation.

If the state Superintendent finds that a school district has violated the bill's prohibitions, the Department must withhold funds from the district based on the severity of the offense and time frame by which the district complies. The withholding of funds may include a tiered funding penalty, terms for restoration of those funds in the event of compliance, and any other procedures that the Department determines are necessary to enforce the bill's prohibitions.<sup>6</sup>

Finally, the bill requires the State Board to adopt rules to govern the implementation and monitor compliance with the bill's provisions.<sup>7</sup>

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## HISTORY

Action	Date
Introduction	04-04-22

ANHB0616IN-134/ks

<sup>5</sup> R.C. 3313.6029(B)(2); see also R.C. 3301.079, not in the bill.

<sup>6</sup> R.C. 3313.6029(D).

<sup>7</sup> R.C. 3313.6029(E)(1).