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H.B. 214*
135th General Assembly

Bill Analysis

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Version: As Reported by Senate Education

Primary Sponsor: Rep. Holmes

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SUMMARY

Policy on standards and performance of professional duties

- Requires each public school to adopt a policy against using statements of commitment to, or soliciting or requiring specified individuals to affirmatively ascribe to, specific beliefs, affiliations, ideals, or principles concerning political movements, or ideology.
- Requires each public school to post all policies guidance, and training materials on all matters regarding the topics listed above.

Policy to accommodate students' sincerely held religious beliefs

- Requires each public school to adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of students, which includes three excused absences for religious expression days.
- Entitles this portion of the bill the "Religious Expression Days" or "R.E.D." Act.

DETAILED ANALYSIS

Policy on standards and performance of professional duties

Within 90 days of its effective date, the bill requires each school district board of education, community school governing authority, and STEM school governing body to adopt a policy that states the district or school must not:

* This analysis was prepared before the report of the Senate Education Committee appeared in the Senate Journal. Note that the legislative history may be incomplete.

1. Solicit or require an employee or applicant for employment to affirmatively ascribe to, or opine about, specific beliefs, affiliations, ideals, or principles concerning political movements, or ideology;
2. Solicit or require a student to affirmatively ascribe to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology;
3. Use statements of commitment to specific beliefs, affiliations, ideals, or principals concerning political movements, or ideology as part of the evaluation criteria for employees, applicants for employment, or employees seeking career progression or benefits;
4. Use statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology as part of the academic evaluation of students.¹

However, the bill specifically does not prohibit, limit, or restrict any of the following:

1. A district's or school's authority to require a student or employee to comply with federal or state law (including anti-discrimination laws), or to take action against a student or employee for violation of federal or state law;
2. An educator's academic freedom;
3. An educator's ability to research or write publications about specific beliefs, affiliations, ideals, or principles concerning political movements, ideology, or social action;
4. A district's or school's authority to consider an applicant for employment's scholarship, teaching, or subject matter expertise in the applicant's given academic field;
5. A district's or school's authority to offer an established character education program.²

Publicly accessible information on related matters

The bill also requires each district and school to make publicly available all policies, district guidance, and training materials used for students, educators, and staff on all matters regarding specific beliefs, affiliations, ideals, or principles concerning political movements, or ideology. However, the bill specifies it cannot be construed to require districts and schools to make protected legal communications or guidance publicly available.³

Policy to accommodate students' sincerely held religious beliefs

The bill requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a policy that reasonably accommodates the

¹ R.C. 3319.614(A), 3314.03, and 3326.11.

² R.C. 3319.614(B).

³ R.C. 3319.614(C).

sincerely held religious beliefs and practices of students regarding exams, other academic requirements, and absences for reasons of faith or religious or spiritual belief system.⁴

Absences and alternative accommodations

A district or school's policy must permit a student in any of grades kindergarten through 12 to be absent for up to three religious expression days each school year to take holidays for reasons of faith or religious or spiritual belief system or to participate in organized activities conducted under the auspices of a religious denomination, church, or other religious or spiritual organization.⁵

Under the bill, districts and schools are prohibited from doing any of the following:

1. Imposing an academic penalty as a result of a student's absence under the policy;⁶
2. Considering absences under the policy in determining absence hours for the purpose of required parental notification due to unexcused student absences;⁷ and
3. Unreasonably withholding or denying an excused absence for any religious holiday, festival, or observation.⁸

The policy must require the provision of alternative accommodations for students who miss exams or other academic requirements as a result of absences under the policy, if within the first 14 days of school, or within 14 school days after a student transfers to or enrolls in the school, the parent or guardian of a student provides the school principal with written notice of up to three requested dates for alternative accommodations.⁹

Additionally, the policy must permit students to participate in interscholastic athletics or other extracurricular activities on days during which the student is otherwise absent for a religious expression day.¹⁰

School principal and classroom teacher responsibilities

Under the bill, a school principal must approve no more than three written requests from a student's parent or guardian for an excused absence per school year. The principal must approve the requests without inquiry into the sincerity of a student's religious or spiritual belief system. However, a principal is permitted to verify a submitted request by contacting the

⁴ R.C. 3320.04(A), 3314.03, 3326.11, and 3328.24.

⁵ R.C. 3320.04(A).

⁶ R.C. 3320.04(A).

⁷ R.C. 3320.04(F). See also R.C. 3321.191, not in the bill.

⁸ R.C. 3320.04(C)(2).

⁹ R.C. 3320.04(B)(1).

¹⁰ R.C. 3320.04(A).

parent or guardian whose signature appears on the request. If the parent or guardian disputes signing the request, then the principal may deny it.

After approving an absence request that satisfies the requirements for receiving alternative accommodations, a principal must require the appropriate classroom teacher or teachers to schedule a date and time for a student to complete a missed examination or other academic requirement. The make-up date may be before or after the time and date of the originally scheduled examination or other academic requirement.¹¹

Posting the policy

A district or school must post in a prominent location on its website:

1. The policy, including the contact information of a person who can provide further information; and
2. A nonexhaustive list of major religious holidays, festivals, and religious observations, which may include Eid, Good Friday, Rosh Hashanah, Yom Kippur, and Passover.
3. The list may be created either by the Superintendent of Public Instruction or the district or school itself. The state Superintendent must provide such a list to each district and school at the beginning of each school year. The nonexhaustive list must include major religious holidays or festivals for the next two school years. The district or school may adopt the state Superintendent's list or choose which holidays to include on its own list. Due to a drafting error, the bill tasks the state Superintendent instead of the Director of Education and Workforce with the responsibility of creating the list.

Each district or school must note alongside its posted, printed, or published policy that the list is not exhaustive and the exclusion of certain holidays or festivals may not be the basis for denying accommodation to a student. A policy or list may not be used to deny full and reasonable accommodations to a student for any sincerely held religious belief or practice for exams or other academic requirements and absences for reasons of faith or religious or spiritual belief system.¹²

Annual conveyance of policy

The bill requires districts and schools annually to convey the district or school's religious accommodation policy to parents and guardians. The manner in which the district or school conveys the information is at the discretion of the district or school, but the notice must include a description of the general procedure for requesting accommodations.¹³

¹¹ R.C. 3320.04(B)(2).

¹² R.C. 3320.04(C).

¹³ R.C. 3320.04(D).

Grievance procedure

The bill requires a district or school's policy to include a procedure for students, parents, or guardians to notify the district or school of any grievance regarding the policy's implementation.¹⁴

¹⁴ R.C. 3320.04(E).

HISTORY

Action	Date
Introduced	06-13-23
Reported, H. Primary & Secondary Education	11-15-23
Passed House (64-30)	11-15-23
Reported, S. Education	-----
