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OHIO LEGISLATIVE SERVICE COMMISSION

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Office

H.B. 214
135th General Assembly

Final Fiscal Note & Local Impact Statement

[Click here for H.B. 214's Bill Analysis](#)

Primary Sponsor: Rep. Holmes

Local Impact Statement Procedure Required: No

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Highlights

- School districts and other public schools may incur minimal costs to develop and implement the bill's required policy prohibiting evaluation of employees and students based on political or ideological beliefs or affiliations and to make certain policies, guidelines, and training materials publicly available.
- School districts and other public schools also may incur minimal increases in administrative costs to develop or update religious accommodation policies that comply with the bill if they do not already do so.

Detailed Analysis

Policy on standards and performance of professional duties

The bill requires school district boards of education and governing authorities of community and science, technology, engineering, and mathematics (STEM) schools to adopt a policy that prohibits the district or school from (1) compelling political or ideological beliefs or affiliations, (2) using statements of commitment to political or ideological beliefs or affiliations to evaluate employees, applicants for employment, or employees seeking career progression or benefits, and (3) using statements of commitment to political or ideological beliefs or affiliations as part of the academic evaluation of students. School districts and other public schools may incur some minimal costs to create and maintain this policy, to the extent they do not have them already.

The bill may codify current practices, although the extent is unclear. According to the Ohio School Boards Association's (OSBA) code of ethics, school board members are to cooperate with other members and administrators to establish a system of regular and impartial evaluations of

all staff and to avoid any conflicts of interest or the appearance thereof.¹ Additionally, educators must abide by the Licensure Code of Professional Conduct, which requires educators to behave professionally and maintain professional relationships with students.²

The bill also requires each district and school to make publicly available all policies, district guidelines, and training materials for students, educators, and staff on all matters regarding political or ideological beliefs or affiliations, except for legally protected communications or guidance. The administrative costs of school districts and other public schools may increase to make this information available to the public.

Religious accommodations and religious expression days

The bill directs school districts and other public schools to adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of individual students with regard to all examinations or other academic requirements and absences for reasons of faith or religious or spiritual belief system, including the granting of up to three religious expression days for which there will be no academic penalty imposed by the district or school.

The policy must permit a student to participate in school sports and school-based extracurricular activities on days in which the student was otherwise absent for a religious expression day; include a nonexhaustive list of major religious holidays, festivals, and religious observations for which an excused absence cannot be unreasonably withheld or denied; be posted on the district or school's website; and be conveyed to parents and guardians in a manner determined by the school district. The bill requires the Superintendent of Public Instruction to provide schools with a nonexhaustive list of major religious holidays or festivals for the next two school years, at the beginning of each school year. A district or school may adopt this list in its entirety or choose which holidays to include on its list. These provisions are similar to those enacted in H.B. 353 of the 134th General Assembly for students attending higher education institutions.

Administrative rule prescribes conditions that govern the approval of excused absences from school ([Ohio Administrative Code 3301-69-02](#)). The rule permits schools to approve an excused absence for, among other reasons, the purpose of observing a religious holiday consistent with the truly held religious beliefs of the child or the child's family. The rules require a child's parent, legal guardian, or custodian to provide an explanation for the absence, which must be recorded by the school and include the date and time of the absence. LBO sampled the policies from districts representing different demographic and geographic characteristics ("typologies") across the state. These policies did not list a specific number of days for religious purposes, but they all cite a list of excused absences that include "observance of religious holidays." School districts and other public schools that do not currently meet the bill's requirements may incur a minimal administrative cost to develop or update their excused absence policies and post them online.

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¹ See the OSBA [Code of Ethics](#), which is accessible through a keyword search of "code of ethics" on the OSBA website: ohioschoolboards.org.

² See the State Board of Education's [Licensure Code of Professional Conduct \(PDF\)](#), which is accessible by conducting a keyword "Professional Conduct" search on the State Board's website: sboe.ohio.gov.