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Substitute Bill Comparative Synopsis

Sub. H.B. 327

134th General Assembly

House State and Local Government

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)
Protected characteristics and title	
<p>Addresses discrimination and other unfair treatment on the basis of: (1) nationality, (2) color, (3) ethnicity, (4) race, and (5) sex.</p> <p>No provision.</p>	<p>Addresses discrimination and other unfair treatment on the basis of: (1) nationality, (2) race, (3) color, (4) ethnicity, (5) <u>religion</u>, or (6) sex (hereinafter “race, religion, etc.”).</p> <p>Names the bill “The Promoting Education Not Indoctrination Act” (<i>Section 3</i>).</p>
Application – entities subject to bill	
<p>School districts, community schools, and STEM schools (<i>R.C. 3313.6027(B)(1), 3314.03, and 3326.11</i>).</p> <p>Specifies that “state agency” includes a state institution of higher education and places responsibilities for a state institution’s compliance on the Department of Administrative Services (<i>R.C. 4113.35(A)(2) and (A)(3)</i>).</p>	<p>Same, but adds a school building operated by a school district, community school, or STEM school (<i>R.C. 3313.6027(B)(1), 3314.03, and 3326.11</i>).</p> <p>Removes state institution of higher education from the definition of state agency and instead places responsibilities for monitoring compliance by state institutions of higher education on the Department of Higher Education (<i>R.C. 4113.35(A)(2) and 3345.0215</i>).</p>

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No provision.	Adds political subdivisions to the list of entities to which the bill applies (<i>R.C. 4113.35(A)(3)</i>).
No provision.	Adds any nonpublic school that enrolls students who are participating in a state scholarship program to the list of entities to which the bill applies (<i>R.C. 3313.6027(B)(1)</i>).
Divisive concepts – that must be prohibited by agencies, schools, and state institutions of higher education	
Members of one nationality, color, ethnicity, race, or sex cannot and should not attempt to treat others without respect to nationality, color, ethnicity, race, or sex (<i>R.C. 3313.6027(A)(1)(e)</i>).	Members of one nationality, race, color, ethnicity, religion, or sex attempt to treat others disrespectfully based upon nationality, race, color, ethnicity, religion, or sex (<i>R.C. 3313.6027(A)(1)(e)</i>).
Concepts that are not divisive	
Discussing the history of an ethnic group as described in textbooks and instructional materials adopted in accordance with continuing law (<i>R.C. 3313.6027(D)(1) and 4113.35(E)(1)</i>).	Same, but also prohibits a school district board of education from selecting any textbook, instructional material, or academic curriculum that promotes any divisive concepts (<i>R.C. 3313.6027(F)(1) and 3313.21(D)</i>).
No provision.	In a course on public speaking, formal debate, or substantially similar subject matter in a public school or a state institution of higher education, the assignment of research or other work, the assignment of a grade or score, unbiased and impartial questions posed by a teacher, respectful student to student debate, and student research and questions, all provided the teacher remains neutral and does not engage in promotion of divisive concepts (<i>R.C. 3313.6027(F)(2) and 3345.0215(F)(2)</i>).
Prohibitions	
Prohibits teaching, instructing, or training any divisive concepts in public schools (<i>R.C. 3313.6027(B)(1)</i>).	Same, except also prohibits the promotion of professional development (which mirrors the provisions of the As Introduced version for state agencies) and includes a separate set of identical provisions for state institutions of higher education (<i>R.C. 3313.6027(B)(1), 3345.0215, and 4113.35(B)(1)</i>).

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Prohibits requiring a student to advocate for or against a specific topic or point of view to receive credit for any coursework <i>(R.C. 3313.6027(B)(1))</i> .	Same, and specifies that the provision applies to all subject areas and includes a prohibition against receipt of graduation credit <i>(R.C. 3313.6027(B)(1) and (D)(1))</i> .
Prohibits accepting private funding to develop curriculum, purchase or select course materials, or provide training for a course promoting divisive concepts <i>(R.C. 3313.6027(B)(2) and 4113.35(B)(3))</i> .	Same, but adds selecting a curriculum to the list of prohibited activities in the case of schools <i>(R.C. 3313.6027(B)(2), 3345.0215(B)(2), and 4113.35(B)(3))</i> .
No provision.	Prohibits applying for any federal grants to develop or select a curriculum, purchasing course materials, or provide teacher training for a course promoting divisive concepts <i>(R.C. 3313.6027(B)(2), 3345.0215(B)(2), and 4113.35(B)(3))</i> .
No provision.	Specifies that “no moneys shall be expended in support of teaching divisive concepts” <i>(R.C. 3313.6027(B)(2), 3345.0215(B)(2), and 4113.35(B)(3))</i> .
No provision.	Prohibits a school or state institution of higher education from (1) penalizing or discriminating against a teacher, administrator, or other school employee on account of the teacher’s, administrator’s, or other school employee’s refusal to support, believe, or otherwise assent to divisive concepts or (2) requiring the same to complete a curriculum including divisive concepts as a condition or prerequisite of employment. <i>(R.C. 3313.6027(B)(3) and 3345.0215(B)(3))</i> .
No provision.	Prohibits a state institution of higher education from including as part of new student or freshman orientation teaching, instruction, or training on divisive concepts <i>(R.C. 3345.0215(B)(4))</i> .
Responsibilities – Chancellor of Higher Education	
No provision.	If the Chancellor determines through a confirmed report that a state institution of higher education violates the bill’s provisions, the Department of Higher Education must withhold state share of instruction funds until such time as the institution complies in the following amounts: (1) for a first

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No provision.	offense 25%, (2) for a second offense 50%, and (3) for a third offense 100% (<i>R.C. 3345.0215(C)(1)</i>). Develop a policy that complies with the bill's provisions and to the extent appropriate, make it substantially similar to the policy developed by the Department of Administrative Services (<i>R.C. 3345.0215(E)(1)</i>).
No provision.	Establish rules for the implementation and enforcement of the policy (<i>R.C. 3345.0215(E)(2)</i>).
No provision.	Prepare a biennial report that provides detailed information on any confirmed report of a violation and submit it to the General Assembly by November 30 of each even-numbered year, beginning in 2022 (<i>R.C. 3345.0215(E)(3)</i>).
Responsibilities—Board of Trustees of each state institution of higher education	
No provision.	Update policy on faculty tenure to reflect the bill's principles and consider as a negative factor in employment and tenure decisions any confirmed reports that a faculty member or other employee knowingly or recklessly violates the bill's provisions (<i>R.C. 3345.0215(C)(2)</i>).
No provision.	Review grant programs and identify any that may require certification that a recipient will not use funds to promote divisive concepts (<i>R.C. 3345.0215(D)(1)</i>).
No provision.	Review employee training programs relating to diversity or inclusion to ensure compliance with the bill's provisions (<i>R.C. 3345.0215(D)(2)</i>).
No provision.	Ensure compliance with the bill's provisions by political subdivision and employees during work hours, and contractors (<i>R.C. 3345.0215(D)(3)</i>).
No provision.	Encourage employees not to judge each other based on their color, race, ethnicity, sex, or any other characteristic protected by federal or state law (<i>R.C. 3345.0215(D)(4)</i>).

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No provision.	If a contracted entity promotes divisive concepts and violates a public contract, evaluate whether to pursue debarment of contractor <i>(R.C. 4113.35(D)(2))</i> .
No provision.	Issue to all employees the policy developed by the Chancellor, annually review and assess compliance, and submit a report to the Department of Higher Education regarding that compliance <i>(R.C. 4113.35(D)(4))</i> .
Responsibilities – Superintendent of Public Instruction	
In the event that a district or school knowingly violates the bill’s provisions, withhold state funding from the district or school until the Department of Education determines the district or school is compliant <i>(R.C. 3313.6027(C))</i> .	Similar, but: (1) requires a confirmed report from a student, parent, teacher, or community member, (2) reduces standard from knowing to reckless, (3) reduces funding by 25% for a first offense, 50% for a second offense, and 100% for a third offense, and (4) makes the state Superintendent also responsible for determining when a district or school is compliant <i>(R.C. 3313.6027(C)(1))</i> .
Responsibilities – State Board of Education	
No provision.	In the event the State Board determines through a confirmed report that a teacher, principal, or school district superintendent knowingly or recklessly violates the bill’s provisions: (1) for a first offense issue an official licensure admonishment, (2) for a second offense suspend licensure for a period of time determined by the State Board based on severity and circumstances, or (3) for a third offense, revoke licensure for a period of time determined by the State Board based on severity and circumstances <i>(R.C. 3313.6027(C)(2))</i> .
Permits the State Board to adopt rules regarding implementation of and monitoring compliance with the bill’s provisions <i>(R.C. 3313.6027(E))</i> .	Makes mandatory the adoption of rules <i>(R.C. 3313.6027(E)(1))</i> .

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No provision.	Prohibits the State Board to adopt any model curriculum, standards, professional development resources, etc., regarding concepts that are divisive (<i>R.C. 3313.6027(E)(2)</i>).
No provision.	Requires the State Board to prepare an annual report with detailed information on confirmed reports and a copy of each complaint filed and (2) Submit the report to the General Assembly by June 30 of each year, beginning in 2022 (<i>R.C. 3313.6027(E)(3)</i>).
Responsibilities—the legislative authority of each political subdivision	
No provision.	Review grant programs and identify any that may require certification that a recipient will not use funds to promote divisive concepts (<i>R.C. 4113.35(D)(1)</i>).
No provision.	Review employee training programs relating to diversity or inclusion to ensure compliance with the bill’s provisions (<i>R.C. 4113.35(D)(2)</i>).
No provision.	Ensure compliance with the bill’s provisions by political subdivision and employees during work hours, and contractors (<i>R.C. 4113.35(D)(3)</i>).
No provision.	Encourage employees not to judge each other based on their color, race, ethnicity, sex, or any other characteristic protected by federal or state law (<i>R.C. 4113.35(D)(4)</i>).
No provision.	If a contracted entity promotes divisive concepts and violates a public contract, evaluate whether to pursue debarment of contractor (<i>R.C. 4113.35(D)(2)</i>).
No provision.	Issue to all employees the policy developed by the Department of Administrative Services, annually review and assess compliance, and submit a report to the Department of Administrative Services regarding that compliance (<i>R.C. 4113.35(D)(4)</i>).

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Responsibilities—Department of Administrative Services	
No specific provision.	Include political subdivision employees in its policy <i>(R.C. 4113.35(E)(1))</i> .
No provision.	Prepare a biennial report regarding compliance by state and political subdivision employees and submit it to the General Assembly by November 30 of each even-numbered year, beginning in 2022 <i>(R.C. 4113.35(E)(3))</i> .
Private cause of action against public schools	
No provision	Permits the parent, guardian, or custodian of any student who, by way of a violation of this section, is subjected to indoctrination of divisive concepts in order to receive a class grade or graduation credit to bring a civil action against the school, district, or school employee responsible for the violation <i>(R.C. 3313.6027(D)(2) and (3))</i> .