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Substitute Bill Comparative Synopsis

Sub. H.B. 327

134th General Assembly

House State and Local Government

Holly Cantrell Gilman, Attorney

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

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Protected characteristics and scope of bill		
Addresses discrimination and other unfair treatment on the basis of: (1) nationality, (2) color, (3) ethnicity, (4) race, and (5) sex.	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.,").	Same as -4.
No provision.	Names the bill "The Promoting Education Not Indoctrination Act" (<i>Section 3</i>).	Same as -4, and specifies the bill regards "the promotion of" rather than "the teaching of" divisive concepts.

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
		<p>Defines “promote” or “promotion” as:</p> <p>(1) Seeking to advance or encourage support of a partisan philosophy or religion by indoctrination, coercion, or furthering divisive concepts by teaching an individual or group of individuals to accept a set of beliefs in a one-sided, biased, and uncritical manner; or</p> <p>(2) Seeking to advance or encourage support of a partisan philosophy or religion by indoctrination, coercion, or furthering divisive concepts by teaching an individual or group of individuals to accept a set of beliefs in a one-sided, biased, and uncritical manner.</p> <p><i>(R.C. 3313.6027(A)(2)). See also R.C. 3313.6027(C)(2) and (3), (D)(1), (E)(2), (F), 3345.0215(B)(1), (3). (4)(a), (D)(2), (3); but see R.C. 3313.6027(B)(1), 3313.0215(B)(3)(a).</i></p> <p>Affirms a college student’s constitutional right to free speech and provides that the right applies to inquiry without indoctrination toward any preferred philosophy or religion, especially through the coercion of grades, class status, and opportunities <i>(R.C. 3345.0216(A))</i>.</p>

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Application – entities subject to bill		
School districts, community schools, and STEM schools (<i>R.C. 3313.6027(B)(1), 3314.03, and 3326.11</i>).	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>).	Same as -4 (<i>R.C. 3313.6027(B)(1), 3314.03, and 3326.11</i>).
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>).	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>)).	Same as -4, except specifies that “state institution of higher education” has the same meaning as other provisions of continuing law (<i>R.C. 3345.0215(A)(2)</i>); see <i>R.C. 3345.011, not in the bill</i>). ¹
No provision.	Adds political subdivisions to the list of entities to which the bill applies (<i>R.C. 4113.35(A)(3)</i>).	Same as -4 (<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 all of the provisions of the bill applies (<i>R.C. 3313.6027(B)(1)</i>).	Generally exempts a nonpublic school from the prohibitions in the bill, except that a nonpublic school that participates in a scholarship program is prohibited from <i>using state moneys</i> to promote divisive concepts (<i>R.C. 3313.6027(B)(2)</i>).

¹ As such a “state institution of higher education” means the 13 state universities and their regional campuses, the Northeast Ohio Medical University, each community college, state community college, or technical college.

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Divisive concepts – that must be prohibited by agencies, schools, and state institutions of higher education		
<p>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>).</p> <p>No provision.</p>	<p>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>).</p> <p>No provision.</p>	<p>Same as -4 (<i>R.C. 3313.6027(A)(1)(e)</i>).</p>
Concepts that are <i>not</i> divisive		
<p>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>).</p> <p>The impartial discussion of controversial aspects of history and the impartial instruction on the historical oppression of a particular group of people based on a protected characteristic (<i>R.C. 3313.6027(F)(1)(b) and (c) and 4113.35(E)(2) and (3)</i>).</p> <p>No provision.</p>	<p>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>).</p> <p>Same as As Introduced (<i>R.C. 3313.6027(F)(1)(b) and (c), 3345.0215(F)(1)(b), and 4113.35(F)(2) and (3)</i>).</p> <p>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 (provided the teacher does not participate or comment on any divisive</p>	<p>Same as -4 (<i>R.C. 3313.6027(F)(1) and 3313.21(D)</i>).</p> <p>Replaces “impartial” with “nonpartisan” (<i>R.C. 3313.6027(F)(1)(b) and (c), 3345.0215(F)(1)(b), and 4113.35(F)(2) and (3)</i>).</p> <p>Modifies the provision as follows:</p> <p>(1) Replacing “unbiased and impartial” in the provision(s) on teacher questions with “nonpartisan” (<i>R.C. 3313.6027(F)(1)(c) and (2)(c) and 3345.0215(F)(1)(a) and (c)</i>);</p> <p>(2) Specifying that a teacher is prohibited from promoting adherence to, rather than</p>

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
No provision.	content), 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>).	leading or participating, or commenting upon, a divisive concept (<i>R.C. 3313.6027(F)(2)(a) and (c) and 3345.0215(F)(2)(a) and (c)</i>); (3) Replacing the provision prohibiting a teacher from penalizing or rewarding a student based upon the content of that work with a prohibition against negatively affecting a student's grade on the basis of a divisive concept (<i>R.C. 3313.6027(F)(2)(b) and 3345.0215(F)(2)(b)</i>); (4) Adds to the list of permissible concepts advocacy of a student's own perspective or volunteering (<i>R.C. 3313.6027(F)(2)(d) and 3345.0215(F)(2)(d)</i>). For K-12 schools only, the promotion of American Nationalism (<i>R.C. 3313.6027(F)(2)(f)</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 teaching, instruction, or training, or 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(B)(1), and 4113.35(B)(1)</i>).	With respect to state institutions only, removes the prohibition (<i>omitted from R.C. 3345.0215(B)(1)</i>).

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
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)</i>).	Removes provision and instead prohibits a student's grade from being negatively affected by the student's refusal to express belief in or support for a divisive concept (<i>R.C. 3313.6027(B)(1)</i>).
No provision.	Prohibits a school from including any course that promotes divisive concepts as a requirement for graduation (<i>R.C. 3313.6027(D)(1)</i>).	No provision.
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)</i> , <i>3345.0215(B)(2)</i> , and <i>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)</i> , <i>3345.0215(B)(2)</i> , and <i>4113.35(B)(3)</i>).	With respect to state institutions of higher education only, removes the prohibition (<i>omitted from R.C. 3345.0215(B)(2)</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)</i> , <i>3345.0215(B)(2)</i> , and <i>4113.35(B)(3)</i>).	With respect to state institutions of higher education only, removes the prohibition (<i>omitted from R.C. 3345.0215(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)</i> , <i>3345.0215(B)(2)</i> , and <i>4113.35(B)(3)</i>).	Makes the following changes: (1) Replaces "in support of teaching" with "promoting"; (2) With respect to nonpublic schools and state institutions only, clarifies that no "state" moneys shall be expended.

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
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. (R.C. 3313.6027(B)(3) and 3345.0215(B)(3)).	(R.C. 3313.6027(C), 3345.0215(B)(2) and (3), and 4113.35(B)(3).) Same as -4 (R.C. 3313.6027(B)(4) and 3345.0215(B)(2)).
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 (R.C. 3345.0215(B)(4)).	Same as -4, but relocated (R.C. 3345.0215(B)(3)).
No provision.	No provision.	Prohibits a state institution of higher education from requiring a student to complete a course containing divisive concepts as a condition of selecting a major in any undergraduate program (R.C. 3345.0215(B)(3)(b)).

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
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 offense 25%, (2) for a second offense 50%, and (3) for a third offense 100% (<i>R.C. 3345.0215(C)(1)</i>).	Replaces the -4 provision with a complaint and appeals process for alleged violations of Academic Freedom (see “ Student Academic Freedom – complaint, appeal, penalties ” below).
No provision.	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>).	

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Responsibilities – Board of Trustees of each state institution of higher education		
No provision.	<p>Update policy on faculty tenure to reflect the bill’s principles (R.C. 3345.0215(C)(2)).</p> <p>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 (R.C. 3345.0215(C)(2)).</p>	<p>Same as -4 (R.C. 3345.0215(C)).</p> <p>No provision.</p>
No provision.	Review grant programs and identify any that may require certification that a recipient will not use funds to promote divisive concepts (R.C. 3345.0215(D)(1)).	Same as -4 (R.C. 3345.0215(D)(1)).
No provision.	Review employee training programs relating to diversity or inclusion <i>that teaches, advocates, or promotes divisive concepts</i> to ensure compliance with the bill’s provisions (R.C. 3345.0215(D)(2)).	Applies to equity training in addition to diversity or inclusion training and removes “teaches” from the prohibition (R.C. 3345.0215(D)(2)).
No provision.	Ensure compliance with the bill’s provisions by political subdivision and employees during work hours, and contractors (R.C. 3345.0215(D)(3)).	Same as -4. (R.C. 3345.0215(D)(3)).
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 (R.C. 3345.0215(D)(4)).	Same as -4 (R.C. 3345.0215(D)(4)).

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
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> .	Same as -4. <i>(R.C. 3345.0215(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> .	Same as -4. <i>(R.C. 3345.0215(D)(5))</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> .	Same as -4, except specifies that withholding of funds is effective immediately <i>(R.C. 3313.6027(C)(2))</i> .
No provision.	No provision.	Restores withheld funds according to the following schedule: (1) A school that corrects a violation within ten days – 100% refund; (2) A school that corrects a violation in 11-30 days – 50% refund;

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
		(3) A school that does not correct within 30 days – no refund. <i>(R.C. 3313.6027(C)(2)).</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>	Same as -4 <i>(R.C.3313.6027(C)(3)).</i>
No provision.	No provision.	Provides the following: (1) A confirmed report regarding a single classroom shall be considered one offense of knowing and reckless promotion of divisive concepts (regardless of the number of reports submitted regarding that classroom); and (2) If confirmed reports have been submitted in multiple classes or multiple buildings for the same teacher, each is considered a separate offense.

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
<p>Permits the State Board to adopt rules regarding implementation of and monitoring compliance with the bill's provisions (R.C. 3313.6027(E)).</p> <p>No provision.</p> <p>No provision.</p>	<p>Makes mandatory the adoption of rules (R.C. 3313.6027(E)(1)).</p> <p>Prohibits the State Board to adopt any model curriculum, standards, professional development resources, etc., regarding concepts that are divisive (R.C. 3313.6027(E)(2)).</p> <p>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 (R.C. 3313.6027(E)(3)).</p>	<p>(R.C.3313.6027(C)(3), last paragraph).</p> <p>Same as -4 (R.C. 3313.6027(E)(1)).</p> <p>Same as – 4 (R.C. 3313.6027(E)(2)).</p> <p>Substantially similar; however, replaces “complaint” with “civil action” and specifies the confirmed report should be described rather than submitted. (R.C. 3313.6027(E)(3)).</p>
Responsibilities – the legislative authority of each political subdivision		
<p>No provision.</p> <p>No provision.</p>	<p>Review grant programs and identify any that may require certification that a recipient will not use funds to promote divisive concepts (R.C. 4113.35(D)(1)).</p> <p>Review employee training programs relating to diversity or inclusion <i>that teaches, advocates, or promotes divisive concepts</i> to ensure</p>	<p>Same as -4 (R.C. 4113.35(D)(1)).</p> <p>Applies to equity training in addition to diversity or inclusion training and removes “teaches” from the prohibition.</p>

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
No provision.	compliance with the bill's provisions (R.C. 4113.35(D)(2)).	(R.C. 4113.35(C)(2) and (D)(2)). ²
No provision.	Ensure compliance with the bill's provisions by political subdivision and employees during work hours, and contractors (R.C. 4113.35(D)(3)).	Same as -4 (R.C. 4113.35(D)(3)).
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 (R.C. 4113.35(D)(4)).	Same as -4 (R.C. 4113.35(D)(4)).
No provision.	If a contracted entity promotes divisive concepts and violates a public contract, evaluate whether to pursue debarment of contractor (R.C. 4113.35(D)(2)).	Same as -4 (R.C. 4113.35(D)(2)).
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 (R.C. 4113.35(D)(4)).	Same as -4 (R.C. 4113.35(D)(4)).

² Note, this change is also reflected in the agency head responsibilities (not included in this comparison because the provisions do not differ across versions).

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Responsibilities – Department of Administrative Services		
No specific provision.	Include political subdivision employees in its policy <i>(R.C. 4113.35(E)(1))</i> .	Same as -4 <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> .	Same as -4 <i>(R.C. 4113.35(E)(5))</i> .
No provision.	No Provision.	Submit proposed policy to JCARR <i>(R.C. 4113.35(E)(2))</i> .
No provision.	No provision.	Once approved by JCARR make policy available to political subdivisions for voluntary use <i>(R.C. 4113.35(E)(3))</i> . <i>(See below.)</i>
Responsibilities – Joint Committee on Agency Rule Review (JCARR)		
No provision.	No provision.	When the Department of Administrative Services submits its proposed policy, do both of the following: (1) Hold at least one public hearing at which testimony may be presented; (2) Vote to determine whether to approve the policy. <i>(R.C. 4113.35(E)(2))</i> .

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
Private cause of action against k-12 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>).	Same as -4 (<i>R.C. 3313.6027(D)(1) and (2)</i>).
Student Academic Freedom at institutions of higher education – complaint and appeal process		
No provision.	No provision.	Permits a student who has been negatively affected by refusal to express belief in or support of a divisive concept to use the institution’s standard grievance process, provided the student is given a due process hearing where the student and accused have the opportunity to be heard and present testimony (<i>R.C. 3345.0216(B)</i>).
No provision.	No provision.	Requires the state institution to (1) determine whether a violation of the bill’s provisions has occurred within 14 days of receipt of the complaint and (2) redact any grade, modify the transcript, and refund and credit the tuition of any student whose grievance prevails and who so requests it (<i>R.C. 3345.0216(B) and (E)</i>).

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
No provision.	No provision.	Permits a student whose complaint is denied to appeal to the Chancellor of Higher Education <i>(R.C. 3345.0216(C))</i> .
No provision.	No provision.	Requires the Chancellor to affirm or overrule the institution's decision within 14 days based upon the bill's provisions <i>(R.C. 3345.0216(B))</i> .
No provision.	No provision.	Requires the Chancellor to withhold the institution's state share of instruction in proportion to the total number of students in the affected class if the Chancellor overrules a determination made by the state institution <i>(R.C. 3345.0216(C)(1))</i> .
No provision.	No provision.	If the institution receives monthly payments the funds must be held over the semester following the violation but if the institution receives annual payments a lump sum must be held annually for any semesters with a violation <i>(R.C. 3345.0216(C)(3))</i> .
No provision.	No provision.	Restore 100% of funds withheld to any institution that complies within 30 days; however, an institution that does not comply within that time frame forfeits those moneys and the Chancellor must credit them to the GRF <i>(R.C. 3345.0216(C)(2))</i> .

H.B. 327 (As Introduced)	Sub. H.B. 327 (I_134_1448-4)	Sub. H.B. 327 (I_134_1448-7)
No provision.	No provision.	Requires a state institution found to have violated the bill's provisions to redact any grade associated with the violation, modify the student's transcript accordingly, and refund and credit the associated tuition to the individual or entity who paid it (<i>R.C. 3345.0216(D)</i>).