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H.B. 214
135th General Assembly

Final Analysis

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Primary Sponsor: Rep. Holmes

Effective date: October 24, 2024; conforming amendments effective January 1, 2025

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UPDATED VERSION*

SUMMARY

Policy on matters regarding specific beliefs, affiliations, ideals, or principles

- Requires each school district, community school, and STEM school to adopt and post 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.

Policy to accommodate students' sincerely held religious beliefs

- Requires each school district, community school, STEM school, and college-preparatory boarding school to adopt a policy that reasonably accommodates the sincerely held religious beliefs and practices of students that includes permitting up to three excused absences for religious expression days.
- Entitles this portion of the act the "Religious Expression Days" or "R.E.D." Act.

DETAILED ANALYSIS

Policy on matters regarding specific beliefs, affiliations, ideals, or principles

By January 22, 2025, the act requires each school district, community school, and STEM school to adopt a policy that prohibits the district or school from:

* This version updates the effective date.

1. Soliciting or requiring an employee or applicant for employment or academic admission to affirmatively ascribe to, or opine about, specific beliefs, affiliations, ideals, or principles concerning political movements, or ideology;
2. Soliciting or requiring a student to affirmatively ascribe to specific beliefs, affiliations, ideals, or principles concerning political movements, or ideology;
3. Using 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. Using statements of commitment to specific beliefs, affiliations, ideals, or principles concerning political movements or ideology as part of the academic evaluation of students.

However, the act 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.¹

Publicly accessible information on related matters

The act also requires each district and school to make publicly available all policies, 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 act specifies it cannot be construed to require districts and schools to make protected legal communications or guidance publicly available.²

Policy to accommodate students' sincerely held religious beliefs

The act 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) and (B), 3314.03(A)(11)(d), and 3326.11.

² 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.³

Absences and alternative accommodations

A district's 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.

Under the act, districts and schools are prohibited from:

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

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.

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.⁴

School principal and classroom teacher responsibilities

Under the act, a school principal may not approve 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 may verify a submitted request by contacting the 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 exam or other academic

³ R.C. 3320.04(A), 3314.03(A)(11)(d), 3326.11, and 3328.24.

⁴ R.C. 3320.04.

requirement. The make-up date may be before or after the time and date of the originally scheduled exam or other academic requirement.⁵

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 about it; 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.

At the beginning of each school year, the Superintendent of Public Instruction must provide to each district and school a nonexhaustive list that includes 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.

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.⁶

Annual conveyance of policy

The act requires districts and schools annually to convey the district's or school's religious accommodation policy to parents and guardians. The district or school determines how it conveys the information, but the notice must include a description of the general procedure for requesting accommodations.⁷

Grievance procedure

A district's or school's policy must include a procedure for students, parents, or guardians to notify the district or school of any grievance regarding the policy's implementation.⁸

⁵ R.C. 3320.04(B).

⁶ R.C. 3320.04(C).

⁷ R.C. 3320.04(D).

⁸ R.C. 3320.04(E).

HISTORY

Action	Date
Introduced	06-13-23
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Passed Senate (24-7)	06-26-24
House concurred in Senate amendments (62-30)	06-26-24
