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The OEA will lead the way for continuous improvement of public education while advocating for members and the learners they serve.

225 E. Broad St., Box 2550,
Columbus, OH 43216
PHONE: (614) 228-4526
or 1-800-282-1500
FAX: (614) 228-8771

HB 616 Doubles-Down on “Divisive Concepts” Prohibition; Adds “Don’t Say Gay”

OEA Government Relations - Bill Summary

April 6, 2022

Status: *Introduced on April 4, 2022. Joint sponsors are Rep. Mike Loychick (R-Cortland) and Rep. Jean Schmidt (R-Loveland). No co-sponsors.*

“Divisive or Inherently Racist” Concepts

- Defined as (a) Critical race theory; (b) Intersectional theory; (c) The 1619 project; (d) Diversity, equity, and inclusion learning outcomes; (e) Inherited racial guilt; (f) Any other concept that the State Board of Education defines as divisive or inherently racist (in accordance with administrative rules adopted under Chapter 119 of the Revised Code).

Prohibits “Divisive or Inherently Racist” Textbooks, Materials, Curriculum, Standards, Curricula, Training, Assignments, Assessments, Classroom Resources

- The State Board of Education shall not adopt any standards, model curricula, professional development resources, classroom resources, or assessments promoting “divisive or inherently racist concept.”
- A school district board shall not select any textbook, instructional material, or academic curriculum that promotes any “divisive or inherently racist concept.”
- No teacher shall receive continuing education credit or other credit required for licensure renewal for any seminar or other program that teaches, promotes, or endorses “divisive or inherently racist concepts.”
- No school district, charter school, STEM school, or nonpublic school that enrolls students who are participating in a state scholarship program shall do any of the following:
 - Teach, use, or provide for use by any student any curriculum, instructional material, or assignment designed to promote or endorse “divisive or inherently racist concepts;”
 - Offer training or professional development to employees that promote or endorse “divisive or inherently racist concepts.”

“Don’t Say Gay” Mandate

- No school district, charter school, STEM school, or nonpublic school that enrolls students who are participating in a state scholarship program, or any employee or other third party representing a school district or school shall do either of the following:
 - With respect to a student in any of grades kindergarten through three, teach, use, or provide any curriculum or instructional materials on sexual orientation or gender identity;
 - With respect to a student in any of grades four through twelve, teach, use, or provide any curriculum or instructional materials on sexual orientation or gender identity in any manner that is not age-appropriate or developmentally appropriate for students in accordance with state standards.

Licensure Penalties - Complaints Against Teachers, Administrators, Superintendents

The State Board of Education shall establish a procedure in accordance with Chapter 119 whereby an individual may file a complaint against a teacher, school administrator, or school district superintendent alleging a violation of the bill.

- The state board shall afford the teacher, school administrator, or school district superintendent an opportunity for a hearing in accordance with sections Chapter 119. If the superintendent of public instruction finds that the teacher, school administrator, or school district superintendent violated provisions in the bill, ODE shall issue an adjudication order in accordance with Chapter 119 taking licensure action based upon the severity of the offense, including, but not limited to, an official licensure admonishment, licensure suspension, or licensure revocation.

Funding Penalties - Withholding School Funding for Violations

- If the superintendent of public instruction finds through a complaint filed in accordance with the bill that a school district has violated the bill, ODE shall withhold funds from the district based upon the severity of the offense and time frame by which the district complies, which may include a tiered funding penalty, terms for restoration of those funds in the event of compliance, and any other procedures that the department determines are necessary.

Implementation, Monitoring, and Compliance

The State Board shall adopt administrative rules to govern implementation, monitoring, and compliance with the bill.