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Article 7

Racism Education Bill Undergoes More Changes

Another round of changes to a controversial bill governing teachings of racism in education is unlikely to blunt criticism from opponents.

The [House State & Local Government](#) Track Committee adopted another substitute version of the plan ([HB 327](#)) during the measure's fifth hearing and its first since October.

It is the third substitute version adopted by the panel. Chair [Rep. Scott Wiggam](#) (R-Wooster) in an interview said the measure's next hearing has yet to be planned.

"I wanted to make sure this version, people are reading it, seeing it," Rep. Wiggam said. "Because there's a lot of conversation about what they think the bill is and some of those conversations aren't true."

Joint sponsor [Rep. Sarah Fowler Arthur](#) (R-Rock Creek) called the changes an attempt to "simplify" the language of the bill and "clean up some of the concerns raised by those who testified this fall."

"We wanted to give everyone a chance to read the substitute bill prior to future testimony so everyone can have an understanding of this bill," she said.

But the Ohio Education Association quickly condemned the latest version, calling it "just another exercise in smoke and mirrors."

"The lawmakers behind this horrendous bill can dress it up anyway they want as they continue to do the bidding of a national network of extremists who are looking to control the political narrative at any cost," OEA President Scott DiMauro said. "But this new version is just as outrageous and inexcusable as the prior version. And in some ways, it's worse."

[Rep. Brigid Kelly](#) (D-Cincinnati) objected to the sub bill, forcing a roll call vote in which the committee accepted the substitute version along party lines.

The bill as introduced would have banned schools and state agencies from teaching "divisive concepts," which the legislation defined in part as promoting the idea that any nationality, color, ethnicity, race, or sex is inherently superior to another.

The updated measure instead would bar the act of compelling individuals to affirm or promote concepts that violate the Civil Rights Act of 1964's restrictions on discrimination on the basis of sex, race, color and national origin.

Prohibited concepts are similar to prior versions of the bill, but now also include the ideas that an individual cannot succeed because of those qualities or backgrounds, or "any other concept the promotion of which violates the bill's provisions or Title IV or Title VI of the Civil Rights Act of 1964."

It prohibits a state agency or district from requiring teachers to discuss current or controversial issues of public policy or social affairs or to affirm a belief in the systemic nature of racism or the multiplicity or fluidity of gender identities. And it prevents teachers or administrators from using or approving the use of curricula or materials to promote those concepts.

It adds to the list of permitted concepts the objective teaching of the American Civil Rights movement and discussions of any of the concepts by a state or school employee if acting in their individual capacity. Other added language permits voluntary engagement in a politically nonpartisan discussion of public policy by those employees even if the topic is offensive to some.

The legislation now for the first time includes an intent statement reading in part the legislature's goal is "to promote and protect the intellectual freedom of students, faculty, and other personnel at postsecondary educational institutions of this state which receive in any manner funds from this state."

That statement also opines the outlawing of slavery and racial discrimination "dispels the idea that the United States and its institutions are systemically racist and confutes the notion that slavery, racial discrimination under the law, and racism should be at the center of public elementary, secondary and postsecondary institutions."

Other changes in the bill:

- Remove language requiring the Department of Higher Education to withhold State Share of Instruction funding from institutions violating the bill in proportion to the number of students impacted by a violation.
- Require each district board to annually adopt a policy approving a list of "balanced partisan and nonpartisan activities" consistent with the bill.
- Require the [State Board of Education](#) to amend licensure code to render the following conduct unbecoming: promoting personal political or ideological beliefs, unfairly presenting both sides of a political or ideological belief, or unfairly evaluating a student's work because it does not reflect the teachers belief.

- Prohibit a nonpublic school from using auxiliary services funds or administrative cost reimbursements – rather than "public monies" – to promote prohibited concepts.
- Permit a parent to file for injunctive relief rather than a civil action for a violation.
- Specifically apply the bill to school administrators, teachers and other school employees.
- Extend the filing deadline of the chancellor's and Department of Administrative Services' biennial reports to June 30, 2024, and the state board's annual report to June 30, 2023.
- Require the [State Board of Education](#) to investigate each report of a violation rather than each "confirmed report" and requires an administrative hearing and an adjudication order prior to revoking or suspending a license.
- Specify if a teacher teaches multiple sections each section or class subject to a violation is considered a separate offense.