



Ohio Advocates for Medical Freedom

Advocating for Medical Freedom since 2015

House Bill 512 – Opponent Testimony
Government Accountability and Oversight Committee
Donna Kazez, Secretary, Ohio Advocates for Medical Freedom
March 7, 2018

Chairman Blessing, Vice Chair and Bill Sponsor Reineke, Ranking Member Clyde, and honorable members of the Government Accountability and Oversight Committee:

Thank you for allowing me to provide opponent testimony for House Bill 512. My name is Donna Kazez. I'm a biomedical engineer, secretary for Ohio Advocates for Medical Freedom, and homeschooling mother of two.

House Bill 512 would transfer authority for the education of Ohio students – from “crib to career” in the sponsor’s words – from a system including some elected representation to the Governor-appointed Director of a new agency – the Department of Learning and Achievement.

OAMF opposes this bill for several reasons:

- Centralizing control of a very complex and far-reaching set of agencies and elected board to remove transparency, access, and accountability to the public is troubling.
- Even though vaccination exemption wording is still included, we are unsure where the authority for such exemptions would reside and how exemptions might be changed without public input or even knowledge.
- Related to that last concern, if what is now in legislation is transferred to agency-controlled rule, then that agency could just change those rules in closed-door meetings without public awareness.

As an example of how agency rule can conflict with Ohio law, I share with you what happened with private preschool/daycare exemptions this past summer due to a simple rule change for the Ohio Department of Job and Family Services (ODJFS). ODJFS amended one appendix of a rule in August 2017, that being Ohio Administrative Code 5101:2-12-07, Appendix B. While this change had to go through the Joint Committee on Agency Rule Review and while the Legislative Services Commission has given explanation that it was based on lack of information in state law concerning enrollment of unvaccinated children, changing just one line of one appendix had the effect of denying parents their right to immunization exemptions for children in state law.

Shortly thereafter daycare and preschool providers, who are required by law to offer exemptions, would accept children and then refuse enrollment, disenroll, or tell parents they had a short time to get the child vaccinated – AFTER they saw that the parent was using immunization exemptions appearing on the child medical statement. It should be noted that many of these providers were not just completely private; they accepted state and federal funds that allow for both religious and medical exemptions to vaccination and also that prohibit discrimination on the basis of several criteria. For parents utilizing exemptions for religious reasons, this is clear discrimination on the basis of religion – something ODJFS seemed to miss in our communication with them. ORC 5104.09 states, “No administrator, licensee, or child-care staff member shall discriminate in the enrollment of children in a child day-care center upon the basis of race, color, religion, sex, or national origin.”

To show how elected representation can operate completely differently, I share with you the story of what happened when Ohio's child care reasons of conscience exemptions were threatened by a federal Child Care Block Grant conditional approval. Under guidance by ODJFS, in February 2017, Ohio Department of Education sent notice to all public preschool programs that reasons of conscience exemptions would be removed as of the next school year. Our organization was alerted by concerned parents, and we attended the next State Board of Education meeting, explaining that the exemptions had not been removed and the guidance was inaccurate. We were very impressed by how quickly the Board took action. The amended medical form was removed and the previous version with reasons of conscience exemptions was put back in place. A correction was issued informing licensed providers that the guidance had been made erroneously. Then some of our State Board of Education members went to Washington, DC. and met with Health and Human Services personnel, advocating for Ohio parents' rights to exemptions. The Board also passed a resolution affirming parents' rights to such exemptions, recognizing the rights of a minority of Ohio parents.

If the Director of the Department of Learning and Achievement decided that immunization exemptions were not a good thing for students, could that appointed person decide to submit similar rule changes that effectively circumvent state law on immunization? Would parents have any way to effectively oppose such a change? In that regard, would they be able to stop any changes to other policies, curriculum, or even homeschooling rules?

Many other unanswered questions concern us about House Bill 512:

- What would be the cost of creating this new mega-agency?
- Why is this bill proceeding so quickly through the committee and what is the need for it?
 - As a sub-question related to this, how has this been vetted with Ohioans who will be affected by it in both known and unknown ways?
 - How was this bill vetted with other stakeholders like teachers? None of the teachers we contacted were aware that this overhaul was even in the works or felt they had time to properly understand and respond to it.
- Who would financially benefit from this dramatic overhaul?
- How would this bill improve Ohioans' ability to interact with the educational system?
- How would the bill improve transparency and accountability within the educational system for Ohioans?
- How is a mega-agency able to respond more quickly than local districts and communities to determine their unique needs with assistance from elected representation?
- How would the idea that the State has the rights and capability to best determine and facilitate student outcomes impact individual children who don't neatly fit into the realignment? (I am thinking specifically of special needs students and others who may not fit into any centralized educational pathways.)

The unfortunate use of the "crib to career" and "birth to work" terminology seems to promote the idea that the State – rather than the parent – has the best ability to direct a child's life, and it leaves us with concerns that true choice and freedom will fall by the wayside. We hope that the Ohio House and this committee will put the brakes on any massive realignment of the childcare, educational, and workforce systems at this point until such an endeavor can be properly vetted with all stakeholders and have opportunity for all concerns to be addressed. As a grassroots organization committed to protecting and promoting informed consent and medical freedom in the state of Ohio, OAMF voices its opposition to House Bill 512. Again, thank you for the opportunity to present this testimony.