

April 30, 2019
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Testimony on HB 164
House Primary and Secondary Education Committee

Chairman Blessing, Vice Chair Jones, Ranking Member Robinson and members of the House Primary and Secondary Education Committee, thank you for allowing me to be here today and discuss the legal impact of House Bill 164. My name is Matt Sharp, and I am an attorney with Alliance Defending Freedom.

HB 164 provides comprehensive protection to religious expression by students in Ohio. These protections fully comply with existing legal precedent. Notably, the bill is in line with guidance issued by the U.S. Department of Education on the rights of students as it relates to religious expression.

The bill prohibits a school from discriminating against student expression based on the religious viewpoint contained in the expression. The Supreme Court has repeatedly held that religious expression — whether spoken, written, or symbolic — is protected by the First Amendment and that “speech discussing otherwise permissible subjects cannot be excluded ... on the ground that the subject is discussed from a religious viewpoint.”¹

The bill also ensures that schools officials cannot punish or give students a poor grade simply because a student chooses to express a religious viewpoint when completing a class assignment. For example, if a student chose to depict the story of David and Goliath in response to an art class assignment that required the student to paint an action scene, the student cannot be penalized for choosing to illustrate the Bible story.

HB 164 recognizes that students have the right to pray or engage in other religious expression to the same extent that their classmates may engage in non-religious expression. For example, just as students sitting in the cafeteria can discuss their plans for the weekend or the latest movie, so too can students discuss their religious beliefs or pray together before eating their lunch.

Finally, the bill protects the right of students to form clubs that are focused on religious activities and expression and to receive equal treatment as is given to other student organizations.

At Alliance Defending Freedom, we regularly receive calls from students and their parents who have experienced discrimination against their religious speech

¹ *Good News Club v. Milford Cent. Sch.*, 533 U.S. 98, 112 (2001).

while at school, including at schools here in Ohio. So I'd like to conclude with two brief stories of Ohio students that demonstrate the need for HB 164.

A student at a school in suburban Columbus was required to do a community service project. He choose to collect canned food for Faith Mission, a local faith-based ministry for the homeless. The student created flyers to encourage his classmates to contribute canned items, just as his classmate had done to promote their service projects. Next thing he knew, he was called into the assistant principal's office and questioned about his flyers, specifically because they included the name of the ministry and a picture of the homeless shelter that had a cross on it. The assistant principal told the student that he had to remove the ministry's name and the picture of the cross off the flyer.

At another school here in Ohio, a high school student motivated by his deeply held religious beliefs decided to start a pro-life club at his school. He completed all of the necessary paperwork. However, his request was denied by the school principal, who told the student that "this topic should stay in the church, not be brought into the school."

In both of these situations, Alliance Defending Freedom intervened and was ultimately able to secure the rights of these students to express their religious beliefs through flyers to support a homeless ministry and through starting a pro-life club.

But no student should ever need to contact an attorney to simply express their faith at school on the same terms as their classmates.

HB 164 would provide much needed clarity and guidance to school administrators, educating them on their duty to permit student religious expression and ensuring that no other student faces the humiliating denials experienced by these two students. Thank you, and I'm happy to answer any question you have.