



CITIZENS FOR COMMUNITY VALUES

Josh Brown, Esq.
Legal Counsel & Director of Policy
Citizens for Community Values
(614) 284-4394
joshbrown@ccv.org

January 30, 2018

TO: Ohio House Education & Career Readiness Committee
Chairman Andrew Brenner

RE: Support of House Bill 428

Dear Chairman Brenner and Committee Members,

My name is Josh Brown and I am Legal Counsel and Director of Policy for Citizens for Community Values, a non-partisan, non-profit organization. As part of our mission, we seek to educate members of the Ohio General Assembly about the free speech and free exercise rights of students. Today, we write to ask your **support** for House Bill (HB) 428, the “Ohio Student Religious Liberties Act,” which was introduced by Representative Tim Ginter (R-Salem) and Sarah Latourette (R-Chagrin Falls).

WHAT IS HB 428?

HB 428 requires public schools to give students who wish to meet for the purpose of religious expression the same access to school facilities given to secular student groups, without regard to the content of the expression. The bill also removes a provision that permits a school district to limit the exercise or expression of religion to lunch periods or other noninstructional time periods. It authorizes students enrolled in public schools to engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student may engage in secular activities or expression before, during, and after school hours. The bill also prohibits public schools from restricting a student from engaging in religious expression in the completion of homework, artwork, or other assignments, and it prohibits public schools from rewarding or penalizing a student based on the religious content of the student's homework, artwork, or other assignments.

WHY THIS BILL IS NEEDED

HB 428 will go a long ways in making many children at our schools feel more welcomed and free to exercise their rights of faith and conscience. Across the nation, students are being told that they have to leave their faith at the door when they go to school, despite the fact that our laws protect their right to exercise their faith anywhere they are.

The First Amendment to the U.S. Constitution protects the right to free speech and exercise of religion. The Ohio Constitution restates all these rights, but is even clearer on the

special protections given to religious practice in its Article 1, Section 7, “Religion, morality, and knowledge . . . being essential to good government, it shall be the duty of the General Assembly to pass suitable laws, to protect every religious denomination in the peaceable enjoyment of its own mode of public worship, and to encourage schools and the means of instruction.”

There is often confusion by people who think that the law requires the government to discriminate on the basis of religion. They think that is what is meant by “separation of church and state.” That view spins the First Amendment on its head to make it mean the opposite of what it actually means. The First Amendment protects us from discrimination based on our faith—it does not mandate it.

Our associated organization, the Alliance Defending Freedom, represents clients who need to defend their rights to free speech and to exercise their faith. Below are a few of their cases. They will show you the pressing need for clarity in the law on this subject.



Chase Windebank

Full story at:

<http://adflegal.org/detailspages/client-stories-details/chase-windebank>

As a freshman at Pine Creek High School, Chase Windebank began using . . . open time to meet with other students for a few minutes of prayer. On Mondays and Fridays, the students would gather in an empty choir room to sing religious songs, pray, and discuss current topics from a faith-based perspective. For three years, the school allowed this meeting to continue with no objection, complaint, or disruption to class activities.

One Monday morning Chase was called into a meeting with the assistant principal and informed that, due to “separation of church and state,” the students could not meet during the open time if they engaged in prayer or other religious speech. If they wanted to pray, they would have to meet before or after the school day— making attendance more difficult for many students due to sports practices, work, and other extracurricular commitments. Chase’s informal gatherings were the only ones subject to these limitations. Students meeting to discuss other topics, play games, or just hang out during open time remained free to do so.



Katie Ayers

Full story at:

<http://adflegal.org/detailspages/client-stories-details/katie-ayers>

10 year-old Katie Ayers was a lover of church activities and her bible study. One morning she passed out fliers to her fellow students to invite them to attend some such events with her. She was forbidden from doing so by her school because the events centered around her faith.

ges/client-stories-
details/katie-ayers



Brian Hickman

Full story at:

[http://adflegal.org/detailspages/client-stories-
details/brian-hickman](http://adflegal.org/detailspages/client-stories-details/brian-hickman)

When Brian Hickman first heard about the open auditions for the upcoming Talent Show at his school, Superior Street Elementary, he immediately knew what he wanted to perform. For weeks, Brian had been working with the music team at his church to learn the movements to a new Christian song entitled “We Shine.” Brian’s physical challenges of cerebral palsy had never stopped him from joyfully expressing his love for God through dance. This would be Brian’s talent, and he showed up at the auditions with the song in hand.

But Brian’s enthusiasm was quickly dampened by school officials when they told Brian’s mother that the song was too religious and said “Jesus” too many times. However, the songs of other students that celebrated love, passion, dancing, and having fun were welcomed with arms wide open, while Brian’s effort to celebrate Jesus was censored.



Georgia Crawley

Full story at:

[http://adflegal.org/detailspages/client-stories-
details/georgia-crawley](http://adflegal.org/detailspages/client-stories-details/georgia-crawley)

First grader Georgia Rose Crawley was censored from mentioning God in a poem honoring her veteran grandfathers at her school’s Veteran’s Day program.

For more background on these stories and more examples of why HB 428 is needed, see:
<http://adflegal.org/issues/religious-freedom/k-12>