**Michael Carney**

**House Bill 428**

**Senate Education Committee**

**November 6th, 2018**

Chairman Lehner, Vice Chair Huffman, Ranking Minority Member Sykes, and members of the Ohio Senate Education Committee, thank you for this opportunity to share my testimony in strong support of the Ohio Student Religious Liberties Act of 2018. My name is Michael Carney, and I’m a life-long learner who has served alongside high school students for close to 15 years. My lifework is to teach students to discover and embrace their own life work. I love my job and I love my students. Since earning a master’s degree in education from the Ohio State University in 2004, I have worked in public schools. This is my 13th year in Hilliard where I currently live and serve as a science instructor and coach. My story today is how, regardless of our assumptions or good intentions, we have failed to acknowledge the “whole child” and assure student individual expression and equal access Constitutional protections in at least one Ohio district. I believe the timely clarity of House Bill 428 can help my school district and all Ohio schools avoid similar unconscionable restrictions of their students in the future.

Since 2008, a student-initiated, student-led group called “Faith” began meeting weekly before school in a classroom made accessible by an accommodating teacher.  The next year, on behalf of the young man who initiated the group with other students, I was asked for help in seeking our Administration’s permission in making Faith an “official” club organization, such as Key Club, Ski Club, etc. Official non-curricular clubs have the same rights and privileges. The Administration summarily denied and dismissed this student and this group official recognition citing the religious nature of the group. Over the next seven years, student leaders of this same group went through the same rejection and persevered through similar effects of not enjoying the same rights and privileges as other official clubs in school. For example, many of their created hard-copy invitations to weekly meetings, to the national “See You at the Pole” event, and to Baccalaureate (a traditional religious service for graduating seniors) were not approved by Administration. Their postings or audio announcements that had any Biblical verse or the words “Jesus Christ,” or “God” were not approved. On one occasion, Faith students submitted an announcement and invitation to the 2012 Baccalaureate service, which included some of this language. The Administration reacted by summarily disallowing that the flyers be hung in the hallways citing “separation of Church and State.” The audio announcement was altered (specifically the terms “Christ” and “God” were taken out) without the Faith students knowing about it, which mislead the school and graduating seniors about the nature of the event. Leading up to and including 2014, the students of the Faith group and I had attempted at least 10 times to seek approval and clarity about their group’s status, access, and privileges to no avail. Over these many years and each time, these students (ranging from 15-45 students) have been denied with the explanation that it would be a violation of “separation of Church and State” or that the group is religious in nature. This is unacceptable.

During the 2014-15 school year, I decided to step up and support these students by meeting with administrators with federal legal resources that might provide clarity about this issue. Our principal told me that he and Central Office were not ready to make Faith an official club and that Faith will not be represented in the yearbook and will not be able to host the Baccalaureate service in our school building. I urged him to reconsider and to read the federal guidelines that might clarify the issue. He declined and invited me to ask the assistant superintendent. All together, I reached out in good faith to the assistant principal, principal, the Diversity/Educational Equity Coordinator, and the assistant superintendent to review the following federal documents: Equal Access Act, the legal guidelines regarding the Act from the US Department of Education, and the 2011 letter written by Arne Duncan to encourage every school district to make sure that its administrators, faculty members, staff, students, and parents are familiar with these (Equal Access) principles in order to protect the rights of all students. I did not receive a reply until I wrote our Superintendent about all of this and the fact that the current leader of Faith (Kelly Haight, whose testimony is on record) and I were planning to give testimony in support of a similar bill to HB 428. The Superintendent emailed back and wrote, “As we work through challenging issues regarding religious and ethnic expression and freedom, we do our level best to make sure that we protect the rights of individual students. We work within the boundaries of state law and district policies; we strive to be fair, consistent, and transparent in our practices.” Interestingly enough and unfortunately, there are no state laws specific enough to inform and guide our Superintendent and District officials to make and practice sound policy in order to honor our students’ religious expression rights. Instead, the Superintendent referred me back to the building administrators, in whom he shared confidence. Faith students and I finally met with our building principals and the assistant superintendent, and they doubled down and rejected the students’ plea and Equal Access legal reasoning. From that point on, Kelly Haight and a fellow Faith member unfortunately had to pursue legal counsel and endure months of waiting before the District finally did the right thing in giving the group official club status in 2015. Instead of simple state law like HB 428 could be, it had to take lawyers working on behalf of brave students to change the District’s decision. Since then, students have had the freedom to meet, be in the yearbook, and hold events in the school building. Difficult challenges remain, however, concerning the language allowed to be expressed on the Faith club’s signs. There is still no clarity for administrators about posting Biblical verses on their signs, and thus leaves students not completely free to express what they want to communicate.

With respect to religious expression in school, I have also witnessed limitations on student freedom of expression in the classroom setting, and this matter is most certainly bound within the idea of the “whole child” that we in the state of Ohio are beginning to acknowledge and striving to support. In 2008, while working in collaboration with a team of teachers across different curricula, an issue regarding students’ ability to self-select research topics arose on our team. Students had been encouraged to select issues for a cross-curricular research assignment for an election forum. Many had demonstrated strong interest in the topic of abortion. Some colleagues in another department expressed that it was inappropriate for us to allow students to research abortion, citing its controversy and roots in religious belief and morality. It was said that such topics were off-limits in a classroom context. I continued to encourage my colleagues to allow students the freedom to research the topic that held their highest interest, but after much back and forth between departments and individuals, I found myself in the principal’s office rather than settling the issue with my team. In a private meeting, the principal reinforced the idea that it was too controversial an issue and had the potential to incense parents and students alike. It wasn’t worth the potential conflict to risk students researching the topic.

And in 2015 as a former capstone project coach, guiding seniors like Kelly in what they are passionate about and want to do for this graduation requirement, several students asked whether they could include their faith in God as a part of their capstone project. Many have the belief that school and religion don’t go together. This is a symptom of a school culture that has a clear divide between secular and religious free exercise in and out of the classroom. Students are surprised and thankful to hear from me that they can include their religion and faith in their work. My hope is that with the help of HB 428, students in Ohio will be afforded equal treatment and the freedom to pursue work that is facilitated by an administration and staff who have clarity with this bill and who value their students’ rights to religious expression – part of the “whole child.”

We in the public schools of Ohio need help. I believe the General Assembly has the proper Constitutional power, authority and civility to reinforce an equal playing field so that all Ohio school administrators and teachers, some of whom seem confused, are given the tools to assure that Constitutional rights within their buildings are a strong part of a proper civic preparation for the next generation. This bill supports the ongoing effort to acknowledge, support, and encourage the “whole child” and to do better to make sure that we protect their rights.

Thank you.