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February 11, 2020

To: Chairwoman Peggy Lehner
Vice Chairman Andrew Brenner
Ranking Member Theresa Fedor
Members of the Senate Education Committee

From: Aaron Baer
President, Citizens for Community Values

Re: Support of HB 164, Ohio Student Religious Liberties Act of 2019

Chairwoman Lehner, Vice Chairman Brenner, Ranking Member Fedor, and Members of the Senate Education Committee:

My name is Aaron Baer and I am the president of Citizens for Community Values, Ohio's Family Policy Council. Defending religious freedom for all Ohioans is central to our mission. This is why we enthusiastically ask for your support of HB 164, The Ohio Student Religious Liberties Act.

This important bill ensures that Ohio's public education system is securing our nation's first promise enshrined in the First Amendment of the US Constitution: that we are free to live out our faith in all aspects of our lives. The bill guarantees that all K-12 students are free to express their faith in school without fear of punishment, whether they are Christian, Muslim, Jewish, Hindu, Buddhist, of a different faith all together, or of no faith.

It also ensures that teachers and administrators are able to maintain an orderly classroom and learning environment.

In short, it strikes the appropriate constitutional balance of protecting religious freedom while protecting the ability of our public schools to go about their vital business of equipping and educating the next generation.

What's important to recognize with the Ohio Student Religious Liberties Act is that it does not create any new religious freedom rights – it codifies the existing rights already promised under the US and Ohio Constitutions. It provides clarity to students, teachers, and school districts as to how to handle a diverse student body with diverse religious or secular views, without showing favoritism to one or the other.

There are three key ways that HB 164 strikes this balance:

- The bill ensures non-religious expression isn't given favor over religious expression or vice versa.
- The bill ensures religious students and student groups have equal access to school facilities.



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- The bill ensures students are not penalized for choosing religious topics or themes for school projects or assignments, as long as those religious topics are in line with the overall academic standards of the assignment.

The common thread in all three of these aspects of the bill is that they create a level playing field in public schools for religious and non-religious expression.

The General Assembly has been considering this legislation for a number of years now, each year making it farther through the process than the year before. Perhaps the greatest concern members share about the bill is that it will allow students to interrupt instructional time in the name of religious expression.

But under this bill, this cannot happen.

I'd like to draw your attention to Section 3320.02. (A) – that is line 403-407. It reads:

A student enrolled in a public school may engage in religious expression before, during, and after school hours in the same manner and to the same extent that a student is permitted to engage in secular activities or expression before, during, and after school hours.

This section cuts to the heart of the bill – ensuring that schools take a viewpoint neutral stance on religious expression. In short, if a school is allowing a student to communicate a secular message, they cannot discriminate against another student for communicating an overtly religious message in a similar manner.

Yet it also clarifies that a student cannot use religious expression as a “Get-Out-Of-Detention-Free Card” and do whatever they want in the name of religious liberty.

I'll give you an example of what I mean:

As a lifelong Chicago Cubs fan, I'm raising my daughters right and passing along this passion. The Cubs are known for having more day games than any other team in baseball. When my daughters get older and go to school, they will not have the right to interrupt class and celebrate a homerun hit during instructional time.

Similarly – and slightly more importantly – I'm raising my daughters in the Christian faith. Just like my daughters can't stand up and interrupt class by singing “Go Cubs Go,” under this bill, they cannot interrupt class and sing “Come Thou Fount.”

What this bill does ensure is that if, for example, my daughters are asked during “Show-and-Tell” to share something they are passionate about, they would be free to bring in their Cubs jersey or their Bible, and be graded evenly based on their ability to fulfill the assignment requirements.



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It also ensures that if the school allows for students to form an anti-drug club, they must allow for students to form a Jewish club or Muslim club or Atheist club.

As Ohio grows into a more diverse state, it's important that the General Assembly provides protection and clarity on how public institutions safeguard Constitutional freedoms. The Ohio Student Religious Liberties Act is a balanced and needed approach to ensuring a level playing field in our public schools for religious and nonreligious students.

Thank you for your consideration.

Citizens for Community Values (CCV) is a non-profit, non-partisan organization that endeavors to create an Ohio where God's blessings of life, family, and religious freedom are treasured, respected, and protected.

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