



Center FOR Christian Virtue

Public Policy. Engagement. Education.

To: Chair Gayle Manning
Vice Chair Adam C. Bird
Ranking Member Phillip M. Robinson, Jr.
House Primary and Secondary Education Committee

From: Nilani Jawahar
Legislative Liaison
Center for Christian Virtue

Re: Support for SB 181

Chair Manning, Vice Chair Bird, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee,

My name is Nilani Jawahar and I am here on behalf of the Center for Christian Virtue, Ohio's largest Christian public policy organization. It is an honor to be here today in support of SB 181, which aims to protect students' religious expression in athletics.

The problem this bill addresses came to light when Ohio student Noor Alexandria Abukaram participated in a track event wearing her hijab, just as she had done previously without issue. Once again, she participated and even beat her personal all-time best score. But this time, she did not see her name on the scoreboard. She was disqualified from the competition without any prior notice.¹ It was only after participating that she found out that the Ohio High School Athletic Association (OHSAA) requires special prior approval for her religious garment as a deviation from uniform.² OHSAA allowed Noor to participate as if she was permitted to compete, but she was never given notice of the disqualifying violation. She performed her all-time personal best, and yet when she crossed the finish line, her participation was never even recognized because she was wearing a hijab.

A law that allows state actors to limit religious expression is strictly scrutinized by the courts to make sure the law is 1) narrowly tailored and 2) necessary for a compelling government interest. Unless a free speech restriction is narrowly confined to the purposes of safety and/or preventing disruption in the educational process, courts are unlikely to approve such restrictions as necessary for a compelling interest. States can and do create laws to further codify, clarify, and protect First Amendment rights.

Administrators and school officials often mistakenly believe that the exclusion of religion represents neutrality, when in reality, strict exclusion of religious expression on unreasonable grounds is anything but neutral. True neutrality exists when content neutral, narrowly tailored restrictions are applied across the board to all students, without a

¹ <https://abcnews.go.com/US/ohio-cross-country-runner-disqualified-wearing-hijab-waiver/story?id=66498414>

² <https://ohsaaweb.blob.core.windows.net/files/Sports/Track-Field/TFmanual.pdf>



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detrimental impact on students of faith. SB 181 ensures that religious students are not treated differently under the law. This bill equips school administrators with clear guidance to protect free expression and free speech for students of all beliefs and backgrounds.

There is established precedent that public school students “do not shed their constitutional rights to freedom of speech and expression at the schoolhouse gate.”³ They shouldn’t have to shed their hijab, kippah, or cross at the starting line either. Students have a right to free speech, especially where their expression does not result in any issues of safety, unfair advantage, lewdness, or disruption to the academic process and mission. This includes expressions of religious and nonreligious beliefs.

Legislation like SB 181 helps to foster understanding and prevent more students from being detrimentally punished for religious expression. Please pass SB 181 and make Ohio a better place for public school student athletes of all faiths. Thank you for your time and consideration.

The Center for Christian Virtue (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.

www.ccv.org -- (513) 733-5775

³ *Tinker v. Des Moines Independent Community School District*, 393 U.S. 503, 506 (1969).