

Ohio House Primary and Secondary Education Committee  
December 13, 2022  
Sub. S.B. 178

Chairman Manning, Vice-Chairman Bird, and Ranking Member Robinson, thank you for the opportunity to provide testimony today as an interested party to **Substitute Senate Bill 178**. My name is Keith Hamblen, and I live in Lima and pastor Calvary Bible Church. I also serve as the Executive Director of the Buckeye Christian School Organization (BCSO), an association of approximately twenty non-chartered, non-tax supported schools. I have represented these schools before the State Board and Department of Education as well as the General Assembly and Governor since 1985. While BCSO has represented families and churches who believe in this non-chartered state-education relationship, we consistently have looked out for the interests of all the students of Ohio and not just those enrolled in non-chartered schools.

On July 28, 1976, the Ohio State Supreme Court ruled unanimously that the state's educational "minimum standards" were "suffocating" pertaining to religious schools and further noted that total compliance "eradicates the distinction between public and non-public education." Months later, after court-directed meetings between the Ohio Department of Education and pastors and other Christian school leaders, agreement resulted in a new section of the Ohio Administrative Code numbered 3301-35-08. This "08" provision has worked well for schools with "truly held religious beliefs" (wording from the 08 standard) and for the state, by my personal "front seat" observation since 1985 (when I began serving as the director of BCSO). I have represented 08 schools on the State Superintendent's Non-Public Advisory Board since its inception (I think that was in the 1990's when Ted Sanders served as State Superintendent).

SB178 in general, as I understand it, changes the relationships of schools to the Ohio State Board of Education (BOE) and Ohio Department of Education (ODE), removing much of their authority to the Governor's office. **We are asking that current arrangements for schools that are not chartered or seeking a charter from the state of Ohio because of truly held religious beliefs continue as they have since rule OAC 3301-35-08 was implemented September 1, 1983, only now directly under the authority of the Governor (held accountable by the General Assembly).**

#### **A Few More Details**

The OAC 3301-35-08 ("non-chartered, non-tax supported schools," commonly called "08" schools) school-state relationship has worked well since 1983 and there is not a better relationship that we have been able to imagine that respects the underlying beliefs of Ohioans who hold that education is inherently religious and primarily a function of the home and church (or other such religious institutions; perhaps SB178 will provide that new and better relationship—we are hoping that it at least will equal it). The 08 arrangement has provided a practical resolution of church and state interests so that almost all (if not all) are happy with that arrangement. This arrangement has worked well for 08 schools under the current jurisdiction of the State Board of Education (BOE) and the State Department of Education (DOE). We have believed that there is recourse to the legislature and courts with the current arrangement should that need arise, but this has been needed rarely since 1983 when this arrangement began. (I remember one time, when Jim Jordan served in the Ohio House of Representatives and intervened with a phone call to the Department. We see both the BOE and the DOE as under the authority of the General Assembly, although apparently some don't see it that way.)

Twenty or so years ago at our request, then Senator Bob Cupp, at that time chairman of the Senate Education Committee, prepared a bill to remove 08 schools from the oversight of the DOE and BOE and place it under the General Assembly. (It seemed safer there to us at the time, using some of the same arguments given in support of the current SB178.) Before introducing that bill, which he said that he would do, Senator Cupp asked if the current arrangement was working for us, and then said that, if so, we ran the danger of losing that functioning arrangement once the bill was introduced. We took his advice and now years later we can testify that this arrangement has continued working well.

The Department and Board of Education have been responsive to 08 schools for all these years with only occasional ODE individuals who needed some help on the agreed-upon and desirable relationship between church and state. During the last two mandatory five-year year reviews of the administrative 08 rule, there were a few within the Department who didn't understand (including I believe the Superintendent and one lawyer at the most recent review), but when the Board reviewed their department lawyer's recommendation, they voted (unanimously) to keep the rule as it is, consistent with our request.

**I wish it were clear to me to know if this bill advances or at least maintains the civil protections enjoyed these past number of decades, but I certainly am an interested party. I am asking this committee and this House to make sure that those with "truly held religious beliefs" do not lose the civil protections they have enjoyed as the House moves on SB178.**

Thanks,  
Keith Hamblen