

**Proponent Testimony: HB 353 – Testing Your Faith Act**  
**Ohio Senate | Committee on Workforce & Higher Education**  
**November 30, 2022 | Columbus, OH**

Chairman Johnson, Vice Chair Cirino, Ranking Member Martin, and members of the Senate Workforce & Higher Education Committee:

**Introduction**

Ohio Jewish Communities is the statewide government advocacy, public affairs, and community outreach voice of Ohio’s eight Jewish federations and their some 150 member agencies providing cradle-to-grave social services and meeting vital human needs of Ohioans of all faiths – and of none – each day, all across Ohio. We submit this testimony on their behalf.

**Background and Statement of Interest**

We are grateful to both Representatives Click and Miranda for leading on this issue and championing this legislation. We’re equally thankful to the 52 other cosponsors, including Speaker Cupp and Leader Russo. In the House, the bill was reported unanimously and then passed with a 79-0 floor vote. This proves something we at Ohio Jewish Communities believe deeply: on matters that matter, bipartisanship is always possible.

As well, we appreciate the opportunity to work with Chancellor Gardner and the Governor’s office on this legislation. There isn’t a stronger defender of First Amendment rights of worship than Governor DeWine.

The First Amendment is nonpartisan, and protecting the rights of religious minorities dates back at least to America’s first president. In a now famous letter to the Jewish community of Newport, Rhode Island, President George Washington wrote:

“The Citizens of the United States of America have a right to applaud themselves for having given to mankind examples of an enlarged and liberal policy: a policy worthy of imitation. All possess alike liberty of conscience and immunities of citizenship It is now no more that toleration is spoken of, as if it was by the indulgence of one class of people, that another enjoyed the exercise of their inherent natural rights. For happily the Government of the United States, which gives to bigotry no sanction, to persecution no assistance requires only that they who live under its protection should demean themselves as good citizens, in giving it on all occasions their effectual support.<sup>1</sup>”

This legislation is in that spirit. In fact, when we first began to advocate on this issue, we believed it to be a proactive attempt to protect religious observances. However, in our outreach with our campus communities, we have learned two disturbing pieces of information. First, there are numerous students across Ohio each year who face hardship and difficulty in receiving accommodation for religious observances. You are hearing from some of them today. As well, we have found that each campus, and potentially, each student, has their own experience. It’s time to remedy that.

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<sup>1</sup> See From George Washington to the Hebrew Congregation in Newport, Rhode Island, 18 August 1790, <https://founders.archives.gov/documents/Washington/05-06-02-0135>

We believe a uniform law across Ohio would serve as a baseline foundation of accommodation. Of course, individual campuses are free to provide greater protection of religious rights and further accommodation for religious needs. But enacting this legislation provides a “floor” for universities to build off of.

### **Other States’ Legislation**

Ohio would not be the first state to enact such a law. New York State has had a campus religious accommodation bill on its books for decades<sup>2</sup>.

And this legislation before you is substantially similar to bills passed in Washington State (2019)<sup>3</sup> and Utah (2021)<sup>4</sup>. Currently legislation like this is being considered in both Massachusetts<sup>5</sup> and Michigan<sup>6</sup>.

### **Narrowly Tailored Remedy**

This legislation is narrowly focused on answering such needs and protecting these rights. It also makes sure such requirements are balanced against the university’s administrative needs and to guard against misuse.

Students must make the request within the first two weeks of the semester, and school administrators must try to help create a calendar of appropriate holidays and observances.

### **A Broader Need and Opportunity**

The General Assembly is well aware of the polarization across society. The recent bomb threats made to Historically Black Colleges & Universities (HBCUs) at the start of Black History Month is just the latest example. The terrorist attack and hostage taking at Colleyville’s Congregation Beth Israel is still fresh in our mind.

There are other legislative efforts here at the Statehouse as well as in Congress focusing on protecting faith-based and cause focused nonprofits from hate-fueled violence. But what legislation like this will do, if enacted, also sends a powerful message of religious inclusion and accommodation that will be heard on every college campus across Ohio. It will help to change the climate in our society by announcing “if you believe differently, you are more than welcome here; your beliefs are equally protected – and respected.”

If the university is truly to be a place of open inquiry, civil debate, and personal growth for students, faculty, administration, and staff alike, this legislation is part of a necessary foundation.

### **A Personal Story**

For my undergraduate education I studied at Yeshiva University, and, as you might imagine, I never faced a conflict between my schoolwork and Jewish observance. For law school, I attended Georgetown University.

As a Jesuit university, accommodation of another’s faith wasn’t second nature; it was first principle. And when I was in school, the most state-of-the-art answer the university could give was to record classes when students

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<sup>2</sup> Laws of New York, Education, Section 224-a. See e.g. <https://codes.findlaw.com/ny/education-law/edn-sect-224-a.html> and <https://www.nysenate.gov/legislation/laws/EDN/224-A>

<sup>3</sup> See <https://apps.leg.wa.gov/rcw/default.aspx?cite=28B.137.010>

<sup>4</sup> See <https://le.utah.gov/~2021/bills/static/SB0244.html>

<sup>5</sup> See <https://malegislature.gov/Bills/192/H3958>

<sup>6</sup> Personal communication with J. Cody Nielsen, Oct. 7, 2021

were absent for religious observance. I never experienced one moment of hardship in law school, at least not due to my faith.

Georgetown is an example of what can be done when there's truly a will. This legislation will help those seeking a way, and, prod those who aren't yet looking to be welcoming to every student.

**Favorable Action Requested and Next Steps**

Every student should have an experience akin to the one I had at Georgetown. No student should be forced to make a choice between their faith and their education. Nor should they face backlash if they do. And the base level of protection at every public university campus across Ohio should be the same. This legislation codifies that these critical constitutional freedoms are indeed legal requirements while ensuring only a modest burden on university administration and college faculty.

We urge the committee to report this bill favorably and support its passage by the General Assembly. We are available to answer any questions you may have. Thank you again for this opportunity.

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Howie Beigelman  
*Executive Director*

## ADDENDUM ONE – SUPPORTING ORGANIZATIONS

The organizations listed below support enactment of HB 353.



OSU Hillel



University of Toledo Hillel



Kent State University/The University of Akron Hillel



Bowling Green State University Hillel



Hillel at Ohio University



Cleveland Hillel Foundation



Cincinnati Hillel



Chabad Student Center at Ohio University



Chabad at Miami University



Chabad at Oberlin College



Chabad at Kent State



Jewish Federation of Cincinnati Jewish Community Relations Council



Jewish Federation of Cleveland



Jewish Federation of Greater Toledo