

Testimony of Nicholas G. Spencer
Ohio House Primary and Secondary Education Committee
March 14th, 2023

Good afternoon, Chair Bird, Vice Chair Fowler-Arthur, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee. My name is Nicholas Spencer, and I am a resident of Batavia, OH, a suburb on the east side of Cincinnati. I currently serve as the Family Pastor of Clough Pike Baptist Church in Cincinnati and I am also a doctoral student at The Southern Baptist Theological Seminary in Louisville, KY where I study ethics and public policy with a focus on the institutions of marriage and the family. My research in this area has dealt heavily on the topics of education and child development. Most recently, I wrote a piece on the topic of children's rights that appeared in *The Public Discourse*, the online journal of the Witherspoon Institute. I am here today to urge your support of HB11 as a vital measure to improve education quality in our state and improve the lives of all citizens of Ohio as a secondary result.

As a Family Pastor, I deal each day with families across the spectrum of education options here in Ohio. A number of the families in our congregation choose to homeschool their children, some of our families have placed their children in private schools that align with their moral and theological convictions, and others of our congregation rely on public schools for the education of their children. Quite obviously, this bill would impact each and every one of them. As a pastor, you may expect me to make an explicitly theological case for supporting this bill. While I could do so, such an argument may not be convincing to some of you nor would it serve much purpose for a body that despite the Judeo-Christian foundations of our body of laws is unable to make religious arguments for legislation in the name of religious neutrality. Instead, I wish to frame my support for this bill in terms of natural law, not relying upon explicitly Christian ideals.

John Finnis, in his book *Natural Law and Natural Rights*, outlines a number of different basic goods essential to the task of human flourishing, one of which is knowledge.¹ As legislators, your most basic task is to introduce and pass legislation aimed at allowing the citizens of this state to flourish to the greatest degree possible. Consequently, if knowledge is essential to the task of human flourishing, this committee must take steps to support the greatest access to the highest quality of education for the highest number of people. HB11 is a large step in that direction.

A report released by the Fordham Institute in December of last year showed that the current EdChoice program has increased racial diversity in private schools and decreased racial segregation in public schools.² Additionally, the study showed that the EdChoice program *improved* the educational quality of public-school districts in our state.³ Due to its positive impacts in this area, the expansion of EdChoice through HB11 would appear to be a *duty* of this house as a means to increase the *number* of students able to receive a basic education of higher quality than they may currently have the ability to receive.

Some of those parents which take advantage of the expansion of EdChoice will no doubt do so because of moral convictions. Any system of education inherently relies upon a certain set of

¹ John Finnis, *Natural Law and Natural Rights*, 2nd ed. (Oxford: Oxford University Press, 2011), chaps. 3–4.

² Stephane Lavertu and John L. Gregg, "The Ohio EdChoice Program's Impact on School District Enrollments, Finances, and Academics" (Columbus, OH: Thomas B. Fordham Institute, December 2022).

³ Lavertu and Gregg.

metaphysical presuppositions, presuppositions about the formation of basic reality, history, and the purpose of human life. Public educational institutions—though brought into wide acceptance by Horace Mann, and ardent opponent of non-sectarian education—today explicitly hold to secular metaphysical presuppositions which influence the program of instruction given to all students. Most of these metaphysical presuppositions are not inherently wrong from the point of view of a more conservative religious parent. Speaking as a rather conservative religious person myself, I have no issue with a public school teacher instructing students that two plus two is equal to four or that George Washington was the first president of the United States. What I, or others may take issue with is certain other metaphysical presuppositions which would influence programs of instruction such as those which would claim that gender is a social construct.

With each set of presuppositions about the nature of reality comes an associated set of moral judgments which cannot be reliably separated from that set of presuppositions. While I recognize the compelling public interest that the state holds in mandating certain standards of education for the basic well-being of students, this house must recognize that such an interest is not unlimited. In the words of Melissa Moschella, “. . . the survival of a liberal democratic order requires that most citizens be minimally decent, but only that a relatively small minority of citizens be actually good, with the majority of people falling somewhere in between. In terms of education, therefore, the state has grave reasons to compel all educable children to receive an education that will enable them to be minimally decent citizens, reasons that are serious enough to trump even the rights of parents with regard to the education of their children, in cases of conflict. On the other hand, the state’s interest in education for good citizenship is strong enough to justify encouraging such an education, but not compelling parents to provide it or to allow the state to provide it for their children.”⁴

The problem for parents across this state, across my community, and across my congregation is that many often lack the resources necessary to act upon their convictions regarding the education of their children. Despite working relentlessly, many are still without sufficient financial means to have a meaningful voice in the education their child receives and are economically forced to enroll their child in an educational institution which often directly contradicts the dictates of their conscience. Such an outcome is a failure of the system which this house now has the opportunity to correct through HB11.

HB11 is a bill that equalizes opportunity for students across our state and also restores the integrity of parents across our state to exercise their rights and fulfill their obligations related to the education of their children. However, there are some who do not support HB11 for various reasons. My appeal this afternoon would be lacking without addressing some of the issues brought up by those in opposition to HB11. First, there are those who say that this bill does not go far enough or does not do all that they wish for it to do. To those persons let me remind you that our democratic process is a deliberative process that works slowly for the purpose of maintaining stability and encouraging consensus at the widest level. No piece of legislation will ever in itself check every box for every person. Such an expectation is an impossibility and only serves to reduce trust in our public institutions meant to serve the public good.

There are other detractors of HB11 who will point to opportunities for abuse by parents who wish to simply sit back and collect money from the state under the guise of homeschooling without fulfilling the associated responsibilities. To those persons, you are no doubt correct that there will be

⁴ Melissa Moschella, *To Whom Do Children Belong? Parental Rights, Civic Education, and Children’s Autonomy*, 1st ed. (Cambridge: Cambridge University Press, 2017), 109.

those who abuse this privilege if HB11 is passed. However, this is no different than any other piece of legislation passed by this house. While I could launch into a prolonged theological treatise at this point, I will simply quote James Madison by saying that if men were angels, no government would be necessary. Every law of our nation is subject to abuse. There are countless citizens who abuse the federal tax code, but we do not abolish such regulations simply on the basis of widespread abuse. So long as the state has a sufficient means by which to monitor for instances of abuse—which I would recommend to this body—the state has fulfilled its obligations in this regard.

Finally, allow me to address the issue of overall cost to the state for such a program. There are many opponents of this bill who will highlight the projected cost of the program. Before entering into fulltime ministry, I held a number of positions in accounting with nonprofit organizations where I was involved in some aspect of the budgetary process, one of which was a religious institution of higher learning and another which was a government agency. I am quite familiar with how the budgets of these institutions function, and I will readily admit that the cost of HB11 which is projected by some will be quite large. However, we must not lose sight of the ultimate goal behind the supposed cost. Each person in this room cannot deny that one's education is directly related to one's future earning potential. Though there are certainly outliers, on the whole a higher quality of education in the formative years of one's life—those for which this bill would have a direct impact—results in greater earning potential in adulthood. A greater quality of education in K-12 also has a direct impact on one's ability to receive scholarships for higher education and one's ability to be accepted to certain institutions of higher learning. All of these factors would suggest that the upfront cost of the expansion under HB11 would pay large dividends in the future. As finite human beings we so often are conditioned to look for instant gratification, but if there is one thing that my theological education has revealed to me about the course of life it is that we must focus on the long game. If we play the long game by providing Ohio students with the opportunities afforded them by HB11, the dividends which will be paid to all citizens of this state later on through higher income tax revenues resulting from higher earning potential will be worth the down payment.

In this way, HB11 will benefit all of our state's citizens, especially those who are currently unable to take advantage of the present EdChoice system. I urge this committee and the larger house to pass this bill, and I would be happy to answer any questions at this time.