

**88th House District**  
Seneca and Sandusky County



**Committees**  
Civil Justice  
Infrastructure and Rural  
Development  
Primary and Secondary Education

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**Gary Click**  
State Representative

Chairman Bird, Vice-chair Fowler Arthur, Ranking Member Robinson and distinguished members of the House Primary and Secondary Education Committee thank you for the opportunity to advocate for House Bill 339.

House Bill 339 corrects an oversight in the Universal School Choice program instituted in House Bill 33. A small group of families who choose schools recognized as non-chartered, nonpublic schools (formerly known as “08 Schools”) continue to receive no benefit.

Families choose NCNP schools for a variety of reasons. These are schools that, for religious reasons (i.e. separation of church and state,) choose not to receive direct funding nor accept direct regulation from the state. They provide accountability directly to the parents who have traditionally provided accountability for enrollment directly to their local school districts.

Traditionally, these schools have provided accountability to the parents and indirectly to ODE/DEW via the parents. This has provided these religious schools with the appropriate amount of separation between church and state while satisfying the legitimate interests of the state in ensuring that every student is receiving a quality education.

These schools include but are not limited to Christian, Jewish, and Muslim schools. The families of these schools do not have access to universal school choice since these schools do not and may not accept direct funding from the state. The Education Savings Accounts, however, funds the families, not the schools. Families may then direct those restricted resources to the school. This is why the Backpack Bill was appealing to them. HB 339 is simply a miniature version of that.

The NCNP schools first formed in the mid 1970’s in Ohio as a result of a victory in the Ohio Supreme Court, (*State v. Whisner*).<sup>1</sup> During this era, many Christian schools were being chartered across the state until they discovered that the requirements of the state, at that time, violated their religious purpose. In addition to the minimum requirements of the state, these schools offered a time of religious instruction. However, they soon learned that the chartering requirements allotted a specific percentage of each day (rather than hours) to specific subjects. This requirement eliminated any time for religious instruction.

Furthermore, the court found that the state was requiring the religious schools to adopt the philosophy of Secular Humanism which was contrary to their religious beliefs. This was among the fundamental reasons they chose not to charter. As a result, their students were being charged with truancy even though they were achieving well above average on standardized test scores.

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<sup>1</sup> <https://casetext.com/case/state-v-whisner>

After these schools prevailed in the Whisner case, they met with the Ohio Department of Education and developed a system that met both the needs of the religious schools and the obligation of the state to ensure that every child was properly educated. This was found in OAC 3301-35-08, and these schools were often referred to as “08” schools. From that time until the present the NCNP schools and ODE have maintained a healthy working relationship. With the implementation of the Department of Education and Workforce, these schools have been incorporated into the ORC rather than the OAC.

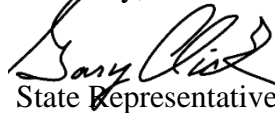
The unintended consequence of utilizing the voucher program in House Bill 33 rather than the educational savings program is to eliminate this population of students from school choice. This means that their parents continue to pay twice for education: once through taxation and a second time through tuition.

In other instances, we discover NCNP schools that are already suffering harm. For instance, Mansfield has two excellent Christian schools: one is chartered, and one is not. With the implementation of universal ed-choice vouchers in HB 33, only the parents choosing the chartered school have access to the funds. As a result, many parents have already signaled their intent to switch schools for no other reason than financial considerations. This not only restricts the choice of parents but also does damage to a school with a long and tenured history of success as a major contributor to their local community and the state of Ohio.

The state should not be in the business of picking winners and losers. House Bill 339 fixes that. The parents of students in the NCNP schools will be entitled to the Educational Savings Accounts which can only be used for educational purposes. They will also be responsible for providing results from standardized test scores to the DEW. NCNP schools may provide these documents as a convenience and service to the parents. House Bill 339 fulfills the responsibilities of the state to ensure that students are properly educated while meeting the needs and rights of parents to direct their child's education.

Thank you for your kind attention and I would be happy to answer your questions at this time.

Sincerely,



State Representative Gary Click  
Ohio House District 88



State Representative Gary Click