

****House Testimony on Bill 445****

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

My name is Jaclyn Fraley, and I am here to speak in opposition to HB445. I am the parent of a first-grade student in Westerville Public Schools, a district that recently rescinded its RTRI policy. I knew that when my daughter entered public school this year, we would encounter new challenges. What I did not expect was to face the challenges of an RTRI program, especially while sending my daughter to a STEM-focused magnet school.

I first learned about RTRI after talking with a mom at the park who asked if my daughter would be attending the Lifewise program. I joined a group of parents in my district with children who also had questions and concerns, and together we formed Westerville Parents United. We slowly educated ourselves about RTRI, learning about the disruptions caused to the school day, the lack of compliance with legal requirements, and the burdens these programs place on local districts.

I will be referring to the Lifewise program in this testimony because it is the largest of the RTRI programs in Ohio and the one I know best, as it operated in Westerville until the policy was rescinded.

In proponent testimony, multiple statements were made claiming that RTRI programs affect only the students who attend. However, this is not the case. While Lifewise claims that the process of leaving and returning to school is smooth, anyone who has ever tried to organize first graders for a field trip knows it is far from seamless. My mother, a retired teacher, often recalled how faculty dreaded days when schedules were disrupted by field trips, assemblies, pep rallies, or even guest speakers. It was always worse when the activity involved only part of the student body.

Lifewise students are encouraged to share their faith and experiences at Lifewise with their non-attending peers when they return to school. One parent in my group shared that her daughter was told in class that she and her mothers were "going to hell" because they belong to an LGBTQIA family. Another parent described how their child was told they didn't "really believe in God" because they are not Christian.

As a non-Christian family, my husband and I have had — and know we will continue to have — deeper conversations about faith. We anticipated that these conversations would expand once our daughter started school, but we never expected to need a potential weekly discussion about why she cannot attend a “fun” school program with her friends. Although we understand that Lifewise is not officially associated with the school, through the eyes of a six-year-old, when it takes place in the middle of the day and kids are picked up on a bright red school bus, it appears to be a school program. This desire to join her peers and fear of missing out on a “fun activity” is how Lifewise and similar programs hope to recruit more students.

RTRI programs actively use students to recruit their classmates. I have included a QR link on page 1 of your packet. This video shows the Lifewise director from Wauseon, Ohio, discussing how only 50% of eligible students enrolled in Lifewise attended and his plans to increase enrollment. The director created Lifewise business cards for students to distribute to their friends and offered an ice cream party if 90 students enrolled. This incentive worries me, as I imagine my daughter being pressured by peers to attend Lifewise to earn an ice cream party for the group—a program she could never attend because of our different faith.

Now imagine the conversation my daughter would have to have with her peers when explaining why she cannot attend. Peers may question her about her religion and her beliefs in God, potentially even telling her that her parents and her faith are wrong because that's what is taught at Lifewise. Preparing a six-year-old for these conversations is challenging, and as her mother, I am at a loss.

What happens to the students who do not attend? The Supreme Court ruling states that schools must continue with regular classes for students who do not participate in an RTRI program. Yet, in Ohio, some districts halt instruction when students are at Lifewise. In the Defiance school district, where most elementary students attend Lifewise, those left behind are sometimes called “Lifewise leftovers.” I have included in your handout on page 2 a flyer from a Defiance second-grade class, stating that non-attending students are sent to study hall. What second-grade class has a weekly study hall where children are expected to work independently? On page 3, a third-grade handout simply lists Lifewise as a “special” class but doesn't address what non-attending students do. Parents in this district feel their children's education is diminished because of Lifewise. One parent remarked, “Education stops in Defiance when Lifewise is in session.”

Although Lifewise is the largest RTRI program in Ohio, it is not the only one. While Lifewise is a nonprofit, it is a business. This was underscored by Joel Penton at a Westerville school board meeting when he noted that “over a dozen” people were employed by Westerville Lifewise. Lifewise's revenue is generated through donations, often solicited from students, their families, and the surrounding community.

As other RTRI programs grow, what will happen when these businesses compete for students and donations? What happens when our children are treated as customers? What will happen when groups like Xenos start recruiting high school and middle school students? School districts won't be able to refuse any “religious group” without accusations of religious discrimination. Districts will have no protection if this bill passes.

If this law passes, who will ensure RTRI program compliance? This additional burden would fall to already overworked and understaffed school administrators.

One example of Lifewise's non-compliance is its approach to legal liability. Lifewise founder and CEO Joel Penton told this committee in June, "The law states all liability is on the sponsoring entity, so in our case, Lifewise Academy. The moment those students leave those doors, we have liability." This statement was incorrect. In August, while our parent group was petitioning the Westerville school board to rescind the RTRI policy, we discovered that Lifewise requires all parents to sign a comprehensive liability waiver, transferring liability to parents. You can find this waiver on pages 4 and 5 of your packet. Lifewise's lack of compliance is just one example of the oversight needed to ensure student safety.

The Supreme Court ruling in *Zorach v. Clauson* prohibits schools from promoting RTRI programs. However, in May of this year, Fredericktown Elementary's principal led Lifewise representatives around the school during the school day to recruit students. In one instance, a Lifewise representative told a student, who had disclosed they were Hindu, that they needed Jesus and should ask their parents to enroll them in Lifewise classes. A copy of this complaint and the school's response is on page 6 of your booklet.

In 2023, Hilliard teachers were required to attend a Lifewise training session during prep week, promoting the program — another clear violation of the Supreme Court ruling. Addressing such issues would require significant district resources. The decision to manage RTRI programs should rest with local districts, not the state.

A major safety concern is the lack of secure parental consent. In many districts, Lifewise provides schools with lists of enrolled students and permission slips, but there is no proof that the permission actually comes from a custodial parent. A child could be signed up via the online portal with minimal information, like their birthday, grade, and teacher's name, and a response to a confirmation email. This could affect children in custody battles or cases where a student may sign up independently.

The Westerville school board rescinded the RTRI policy after hosting Lifewise for two years, citing non-compliance, safety concerns, and strain on staff resources. This decision aligns with a prior choice to discontinue a similar program where social service assistants met with students during lunch and recess, as it was deemed too disruptive for elementary students.

The Westerville board chose to keep the schools focused on academics, leaving religious education to parents outside school hours.

In closing, a Jewish child should not have to defend their family or faith, or feel different just because they cannot participate in a religious program at school. They should be allowed to focus on learning, free from religious divisions in the classroom.

Thank you for your time.