

Chairman Manning, Vice Chair Fowler Arthur, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee thank you for the opportunity to testify on House Bill 445.

I am Keith Comer, a lifetime resident of Ohio and a parent to public school children. The day HB 445 was introduced, I began investigating the minimal but very impactful change the bill would create, forcing local school districts to comply with a state law that has no guardrails to limit the impact on students who do not attend RTRI and no oversight of how the RTRI programs are implemented.

The current RTRI law has been in place for 10 years. The entity responsible for the current language and the passing of the law is School Ministries Ohio. They have been operating since 2007 and have been silent on HB 445. The change in the language does not impact their ability or any of the other RTRI programs in the state to operate. HB 445 is a bill for Lifewise Academy.

Lifewise is lobbying for the passage of HB 445 because they want all students to attend their program—especially students whose families are not Christians and may not agree with the teachings of Lifewise. Lifewise wants the option of attending Lifewise to be the only choice a student has. They want the alternative to be as negative as possible for the students. Lifewise accomplishes this by telling schools that RTRI is a parent right and that the school "has no say."

¹ Lifewise Academy has stated repeatedly over the last few years that students miss "specials" classes. These include art, gym, music, library, technology, and STEM. Schools will often create a block of time in the schedule for Lifewise, and students who don't attend Lifewise will have a study hall or other non-instructional time. ² Students in grades K-5 make up 80% of the classes Lifewise offers. Students in this age range do not have unstructured study time. Students who are given the option of doing nothing or attending a period where they will receive snacks, small gifts, and no work will always choose the latter. This is coercion. The Supreme Court case *Zorach vs. Clauson* stated that no coercion can be used. It's clear that Lifewise Academy is not following this case law requirement.

¹ Adam King Presentation <https://youtu.be/vqKA1QlbaNY>

² Ben Ruprecht Lifewise Field Rep <https://www.youtube.com/watch?v=zQCJZSg5VjE>

Lifewise employees and volunteers have repeated the requirements of Lifewise ad nauseam. Off school property, privately funded, no public funds are used, parent permitted, students don't miss core classes. The Ohio Revised Code and federal case law are very clear on these facts, along with others, such as no announcements of any kind in the public schools about RTRI programs and no coercion between the school and the RTRI program. Lifewise has chosen to ignore these laws routinely. Elmwood Local Schools has allowed Lifewise to operate on school property. Wynford Local Schools has allowed Lifewise to use district buses and drivers. Defiance City Schools has modified its class schedules to accommodate Lifewise. Defiance has also mistreated students who don't attend Lifewise. They have no plan, don't inform teachers how to handle non-Lifewise students, don't have a solid curriculum, and make them sit on the stage or slide into other classes. Norwalk City Schools released students from science and social studies classes and gave no direction to teachers whose students missed specials.³

During the proponent testimony for HB 445, First Liberty Institute provided testimony for Lifewise. It stated, "It is not a constitutional right to have the program" when referring to RTRI programs in general. First Liberty represents Lifewise Academy and agrees that RTRI is not a constitutional right. Parents who wish to remove their children from school to attend an RTRI program should be the ones guiding this process. The parents should work with the RTRI program to determine what times the classes are available. Parents should examine their child's school schedule and decide which non-core subject they will miss. The parents should be in charge of helping their child make up missed work, as the Ohio Revised Code indicates, which is the student's responsibility. The parent should be driving this process. A school deciding to implement a policy to work with RTRI programs or not does not change the federal case law. If parents can not make this work during the school day, after-school, evening, and weekend religious programs are also available.

³ <https://respectpublicschools.com/docs/defiance-concerning-emails.pdf>

Forcing public school districts to allow an RTRI program to operate that is not capable of knowing and following the ORC and federal case law they reference is a troubling scenario. I hope the committee will take the time to read and understand the methods that Lifewise Academy uses to turn public schools into its marketing platform while having little regard for them. Removing a school district's ability to govern itself and decide how its schedule and daily routines will operate is wrong. It goes against the ideas of the original authors of Ohio's RTRI law, and it goes against previous Ohio Attorney General opinions. ⁴

I hope this committee will listen to both sides of this issue and understand that allowing school districts to govern themselves does not stop anyone from practicing their religion. It does not remove all options that parents and students have to practice their faith, and the vibrant and large religious communities in Ohio have many options available to people outside of school hours.

Thank you.

⁴ Ohio Attorney General Opinion 88-001

<https://www.ohioattorneygeneral.gov/getattachment/95a4717b-ba5c-4a32-904b-35a700f4697d/1988-001.aspx>