

**Howie Beigelman | Proponent Testimony: SB 49  
Education Committee | Ohio Senate  
Columbus, OH | February 28, 2023**

Chairman Brenner, Vice Chair O'Brien, Ranking Member Ingram, and Members of the Committee:

**Background and Statement of Interest**

Ohio Jewish Communities is the statewide government advocacy, public affairs, and community relations voice of our eight Jewish federations and their 150 community, cultural, social, and human services agencies on the front lines helping Ohioans of every faith – and of none – every day. We submit this testimony on their behalf as well.

We are here today in support of SB 49, Enact the Religious Expression Days "R.E.D." Act, and we – and our communities statewide – are grateful to Senator Reynolds for making this one of her very first bills.

In the last GA, we worked with Representatives Gary Click and Jessica Miranda on HB 353, the Testing Your Faith Act. It provides time off or accommodation for religious observance to college students. As you may remember, that bill passed the House 79-0, and the Senate 31-0, and was signed into law by Governor DeWine with the support of the Chancellor and the Ohio Department of Higher Education. You may also recall the bill garnered 52 additional cosponsors.

We believe SB 49 is just as bipartisan and is perhaps even more critical than HB 353 was.

**First Amendment Issue**

SB 49, like HB 353, deals with a clear, compelling First Amendment conflict of free expression.

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.”

This legislation is in that spirit. In our outreach with our campus communities regarding HB 353 two years ago, we learned two disturbing pieces of information. First, there were numerous students across Ohio each year who faced hardship and difficulty in receiving accommodation for religious observances. As well, we found that each campus, and potentially, each student, had their own experience.

The same, we have now learned, can be said for our K-12 school districts. It's time to remedy that.

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

### **Meeting a Pressing Need**

SB 49 does for the K-12 space what HB 353 did for the university arena. And it is something we have heard from parents and others as we worked on passing 353.

As you know, Jewish holidays follow a lunar calendar, and change their Gregorian dates each year. There are years they can all fall on weekdays, and the High Holidays as well as Passover have several days together.

No child should have to face a choice of their faith or their education. This is a modest attempt to ensure they never will.

### **Requested Changes**

While we support SB 49 as is, we are requesting several changes that will make it even stronger. We are working with the sponsor on this amendment and hope the Committee will consider it favorably.

1. We believe we should change from three days off per year to four days off per semester. This would allow those of the Jewish faith time for observance of the High Holidays in the fall as well as for Passover in the spring. It would also help any students in school during the summer. And, it tracks with what was enacted in HB 353, for simplicity sake across state administrative needs.
2. We request to remove the language regarding "organized activities" under "auspices" of a faith system. Sometimes a person of faith will not be at services but they will still be observing the holiday. For instance, a Passover *seder* happens in one's home, and there is nothing "organized" about it.
3. We also request adding language to keep a student athlete from being "benched" if they missed school for these religious accommodations.
4. We understand the list of holidays in lines 447-449 is non-exhaustive. However, if there are holidays being specifically named, we would suggest several others from the Jewish faith, such as Passover, and others as well.

### **Conclusion and Next Steps**

We hope that you will favorably report SB 49, with our requested amendments, out of committee and that it can get to the Senate floor quickly for a floor vote.

I'm available to answer any questions. Thank you again for this opportunity.

Howie Beigelman  
President & CEO  
Ohio Jewish Communities