

11-18-2024

Chair Brenner, Vice Chair O'Brien, Ranking Member Ingram, and members of the Senate Education Committee:

Thank you for the opportunity to testify today in opposition of Senate Bill 293. My name is Anna Baltes, and I am the mother of an elementary student in the Beavercreek School District.

This released time religious instruction bill only changes one word of the current law from "may" to "shall"; This change removes a school board's ability to govern based on the unique needs of the local community.

The 1952 Supreme Court case, *Zorach v. Clauson*, declared released time programs constitutional - but not necessarily a right. More importantly, the *Zorach* ruling was issued before the existence of the Federal Department of Education, or laws like IDEA and the Americans with Disabilities Act, so of course safety, liability and equal access weren't considered at the time. Regardless, the Supreme Court's job is only to *interpret* the law; it is the job of the legislators to write it.

Ohio has had this law on the books for a decade, yet to this day, it fails to define its most basic terms. SB 293 makes no improvements or clarifications to the policy - it only makes it mandatory.

In *Zorach*, the term used was "duly constituted religious body". This bill allows any "private entity," to operate a program. It could be a Bible class, the Satanic Temple, or even Burger King. Our children deserve better than "private entity" when Neo-Nazis and the Blood Tribe are marching in our streets.

Unlike the New York law outlined in *Zorach*, SB 293 sets no maximum durations for released time. The former limited it to one hour per week, and required that the hour of release be the same for multiple programs. Without similar limits, Ohio schools could quickly become chaotic and inhospitable to learning.

The New York law also required religious programs to submit weekly attendance reports, but SB 293 says only that attendance reports must be made "available" - available how, and when? If a school does not have regular access to these reports, how can they properly account for the students in their care?

The program must "make provisions" for students, but what *are* those? What if they require an aide, or nurse to provide necessary assistance? If school staff are not allowed to help, and a private entity is exempt from laws like IDEA or ADA, then there is no incentive on either side to ensure every child gets equal protection and access.

Speaking of protection: the private entity must assume liability, but who will enforce that? Who will verify that they hire qualified teachers, conduct background checks, and provide safety training? These gaps should be addressed *before* an injury occurs. Required or not, the policy should be carefully composed, with expert input to meet modern standards—this is 2024, not 1952.

If this bill is passed without defining "core classes", varied interpretations could lead to increased learning disparities. Though the Ohio Revised Code also fails to define it, I would hope that *all* of its course requirements are essential; otherwise, why are they there?

In some districts, non-participants are given unstructured study halls or remedial work, punishing those who stay, while privileging those who leave. There should be equitable instruction requirements in place for students who remain at school.

Ohio students receive a minimum of 910 instruction hours per year; If religious instruction is a priority, parents can find time for it during the other 7,850 hours of the year. If not, they can homeschool, choose a private religious school, or take advantage of Ohio's EdChoice vouchers.

If these options aren't enough, then I must conclude that the change from "may" to "shall", without addressing the obvious deficiencies, is more about advancing an agenda than "parental choice" or reducing potential harm to children.

As a parent, I chose public school for my child, because I want her to learn alongside her peers, free from sectarian divide or coercion. As a taxpayer, this is what I wish to support for all who need it. SB 293 invalidates *my* choice as a parent.

When it comes to this policy, the choice should be left to local communities and their elected school boards, and requiring it as-written would burden districts with the job of filling the crucial gaps which the State has ignored.

I oppose Senate Bill 293, and urge you to vote no on this legislation. Thank you.

Anna Baltes