

**Opponent Testimony for S.B. 293**  
**Ohio Senate Education Committee**

November 17, 2024

Dear Chair Andrew Brenner, Vice Chair Sandra O'Brien, Ranking Member Catherine Ingram, and Esteemed Senate Education Committee Members Louis Blessing, III, Stephen Huffman, Michele Reynolds, and Vernon Sykes:

Thank you for reading my statement. My name is Sarah Paulett. I am an Ohio resident raising my children in an excellent public school system, two of whom have already graduated. I was raised in a religion and also chose to raise my children with a religious education. Because my youngest child cannot attend the formal class, I am using the same curriculum to teach her from home and taking her to a weekly service. I do not want to impose that choice on anyone else or have it occur during the school day. As a parent, I prioritize religious education and I also value a strong academic education, so I find time to teach religion outside the school day. I am testifying in opposition to Senate Bill 293, which seeks to alter the well-established system of Released Time Religious Instruction (RTRI) by changing the permissive "may" to "shall" in Section 3313.6022 of the Ohio Revised Code. I believe this unnecessary bill threatens the autonomy of local school boards and undermines constitutional principles. I urge you to oppose this legislation for several key reasons:

The proponents argue, as found in sponsor testimony before both House and Senate committees, that Ohio should make RTRI mandatory to allow for parents' choice, given their right to educate and govern their children. They argue that this is legal because of the *Zorach* case (*Zorach v. Clausen*, 343 U.S. 306 (1952)), which did NOT indicate an affirmative constitutional right, but found that the RTRI program did not violate the establishment clause. However, this case cannot establish whether an RTRI program would remain legal under a mandatory RTRI framework because *Zorach* involved neutral policy allowing programs, respected local control, and maintained the requisite neutral framework that made it legal.

Under Article VI, of the Ohio Constitution school boards have the right to exist as a governing body, the power to organize through a referendum, and authority over district administration, management of school funds, and oversight of educational property. Ohio Revised Code 3313.47 defines a school board's powers. This gives them local control over daily operations, including educational decision-making authority and resource allocation power, subject to state and federal standards, laws, and requirements.

Additionally, Article I, Section 7 states that (emphasis added):

All men have a natural and inalienable right to worship Almighty God according to the dictates of their own conscience. No person shall be compelled to attend, erect, or support any place of worship, or maintain any form of worship, against his consent; and no preference shall be given, by law, to any religious society; nor shall any interference with the rights of conscience be permitted.

Religious rights are not to be tampered with. And no religious society is to be given preference by law. The government must be neutral and not favor specific religions in legal and policy decisions.

Unlike *Zorach*'s neutral accommodation framework, the current situation shows state officials actively promoting a particular religious organization's model, as found in the legislative record of committee hearings and creating conditions where one organization is uniquely positioned to benefit from the legislative change. The legislative record from House Primary and Secondary Education Committee hearings shows the bill sponsor specifically highlighting one religious education organization's model and success in testimony, combined with high-ranking state officials' public appearances and tours with this same organization, which can be verified through public

records. This level of government involvement with a specific religious organization, culminating in a mandate rather than neutral accommodation, constitutes the kind of preference prohibited by Ohio's Constitution. The language stating that a school board "may" adopt an RTRI policy (ORC 3313.6022) already protects the free exercise of religion. Instead, changing to "shall" removes a power vested in the school boards through the Ohio Constitution and gives it to the states, potentially violating the Establishment Clause by compelling districts to facilitate religious instruction. This uses state power to advance religious education and exceeds Zorach's voluntary accommodation framework.

This mandatory state requirement for the accommodation of religious instruction would require fresh legal analysis since it is factually different from Zorach and does not maintain the requisite neutral framework that makes it legal. The Zorach analysis does not stand with this law.

Respectfully,  
Sarah Paulett