

Ohio Alliance of Independent Schools

- Andrews Osborne Academy
- Bethany School
- Birchwood School of Hawken
- Canton Country Day School
- Central Montessori Academy
- Cincinnati Country Day School
- Cincinnati Hills
Christian Academy
- Columbus Academy
- Columbus Jewish Day School
- Columbus School for Girls
- Columbus Torah Academy
- Gilmour Academy
- Grand River Academy
- Hathaway Brown
- Hawken School
- Hershey Montessori School
- Hudson Montessori School
- Jos. and Florence Mandel Jewish Day School
- Lake Ridge Academy
- Laurel School
- The Lawrence School
- The Lillian and Betty Ratner School
- Linden Grove School
- The Lippman School
- Mansion Day School
- Marburn Academy
- Maumee Valley Country Day School
- McGuffey Montessori School
- The Miami Valley School
- The New School
- Old Trail School
- Olney Friends School
- Ridgewood School
- Rockwern Academy
- Ruffing Montessori - Cleve. Heights
- Ruffing Montessori - Rocky River
- The Schilling School for Gifted Children
- The Seven Hills School
- Summit Country Day School
- University School
- Urban Community School
- Wellington School
- Welsh Hills School
- Western Reserve Academy

House Health Committee

March 25, 2026

Testimony of Dan Dodd: Executive Director - OAIS

Chair Schmidt, Vice Chair Deeter and Ranking Member Somani, thank you for the opportunity to testify as an opponent to House Bill 561. My name is Dan Dodd and I am the Executive Director of the Ohio Alliance of Independent Schools, a member organization of 45 independent chartered nonpublic schools throughout Ohio.

Our organization is opposed to House Bill 561 because it mischaracterizes what private schools may do to set their vaccination policies under Ohio Revised Code sections 3313.67 and 33113.671 and equates them with public schools. The statutes clearly do not make them the same. The proposals contained within HB 561 would require private schools to explain to parents options they may not have under the school's policies and expose the school to liability or punishment for not offering alternatives they are not legally required to offer.

ORC 3313.67(A)(1) reads:

“Except as provided in division (A)(2) of this section, the board of education of each city , exempted village, or local school district may make and enforce such rules to secure the immunization of, and to prevent the spread of communicable diseases among the pupils attending or eligible to attend the schools of the district, as in its opinion the safety and interest of the public require.”

Division (A)(2) reads, “A board of education shall not adopt rules under division (A)(1) of this section that are inconsistent with divisions (B) and (C) of section [3313.671](#) of the Revised Code.” Chartered nonpublic schools are not governed by boards of education and there is no other instance in the entirety of the Revised Code where chartered nonpublic schools are governed by language pertaining to boards of education.

Moving on to ORC 3313.671, Division (A)(1) reads:

(A)(1) Except as otherwise provided in division (B) of this section, no pupil, at the time of initial entry or at the beginning of each school year, to an elementary or high school for which the director of education and workforce prescribes minimum standards pursuant to division (D) of section [3301.07](#) of the Revised Code, shall be permitted to remain in school for more than fourteen days unless the pupil presents written evidence satisfactory to the person in charge of admission, that the pupil has been

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immunized by a method of immunization approved by the department of health pursuant to section [3701.13](#) of the Revised Code against mumps, poliomyelitis, diphtheria, pertussis, tetanus, rubeola, and rubella or is in the process of being immunized.”

The underlined language in (A)(1) does not refer to boards of education as 3313.67 does, it refers to schools for which the director prescribes minimum standards, which means it is applicable to chartered nonpublic schools. The result is chartered nonpublic schools are tasked with assuring students are immunized. Going into division (B) of 3313.671, chartered nonpublic schools are also absolved from the responsibility of obtaining immunization records from families and disenrolling noncompliant students who opt out for the reasons listed within the statute.

What does all of this mean for chartered nonpublic schools? To summarize, it is the following:

- Under 3313.671, chartered nonpublic schools are required to ensure students are immunized unless an exception under (B) is applicable.
- Under 3313.67(B), they are not covered by the prohibition of adopting rules that are inconsistent with (B) and (C) of 3313.671.
- Reading these two sections together as intended, chartered nonpublic schools are legally permitted to adopt rules or policies that do not recognize a refusal to have a child immunized for the reasons listed in (B) and (C) of 3313.671.

Chartered nonpublic schools put a great deal of thought into their vaccination policies. They rely on science, governing board directives, religious teachings (when applicable), and community input. The policies are clear to families at the time of enrollment. Unlike public schools, private schools are a choice, not a right. A family can choose to not enroll in a school based on their policy and pursue another option. The school is not obligated to enroll someone who refuses to abide by this or other policies.

The provisions of HB 561 requiring preschools, including those operated by nonpublic schools, to honor all vaccination refusals not only contradicts existing statute regarding K-12 nonpublic schools but also destroys the ability of private schools to set a policy for their community that their community wants and expects, even if that policy is based on science or religious teaching.

Private schools, although they have a right to exist, are not mandated under the Ohio Constitution. A thorough and efficient system of common schools throughout the state is mandated under our Constitution. If the General Assembly wants to mandate this policy on those constitutionally guaranteed schools, you're certainly within your purview to do so. However, taking this option away from private schools is in direct opposition to the concept of school choice.

Thank you for the opportunity to testify today. I would be happy to answer any questions.