**Michael Carney**

**House Bill 428**

**Senate Education Committee**

**November 6th, 2018**

Chair Lehner, Vice Chair Huffman, Ranking Minority Member Sykes, and members of the Ohio Senate Education Committee, my name is Michael Carney. Since earning a master’s degree in education from the Ohio State University in 2004, I have served as a science teacher in Ohio public schools for 13 years.

My testimony today is how local school students, parents and administrators would benefit immediately from the timely content and clarity of House Bill 428.

Since 2008, a student-initiated, student-led group called “Faith” began meeting weekly before school in a classroom made accessible by an accommodating teacher.  The next year, on behalf of the student who initiated the group, I attempted to help to secure our Administration’s permission in making The Faith club an “official” club organization, such as Key Club or Ski Club.

The Administration summarily denied and dismissed this young student and this group, citing the religious nature of the group and claiming that such recognition would be a legal violation of the “separation of church & state” maxim. Over the next *six* years, student leaders of this same group went through the same repeated rejection.

During the 2014-15 school year, I attempted to support these students more helpfully by meeting with administrators using objective and authoritative federal legal resources that provide clarity about this issue. Our principal told me that he and our Central Office were not willing to make the Faith club an official club and that the Faith Club would not, among other things be given the same rights (such as representation in the yearbook) as secular clubs.

I urged the principal to reconsider and to read the federal guidelines that clarify the issue. He declined and invited me to take it up with the assistant superintendent. Together, I reached out to the assistant principal, the principal, the Diversity/Educational Equity Coordinator, and the assistant superintendent to review the following federal documents: Equal Access Act, the legal guidelines regarding the Act from the US Department of Education, and the 2011 DOE letter written by Arne Duncan to encourage every school district to make sure that its administrators, faculty members, staff, students, and parents are familiar with these (Equal Access) principles in order to protect the rights of all students.

Instead, of having Ohio HB 428 for clear guidance…the Superintendent referred me back to the building administrators. These building leaders doubled down and rejected the students’ plea for recognition. At this point a plucky 17 year old Faith leader named Kelly Haight pursued legal counsel. Long story short, it required parents and students willing to expose themselves to the retribution of district leaders to lawyer-up to protect student liberties for all. They prevailed and today the Faith club is recognized officially by this school.

That said…I did not receive a conclusive official reply on the Faith club matter from the superintendent until just after Kelly Haight gave her brave testimony in support of a similar bill to HB 428 in the Ohio House in 2015.

The Superintendent wrote to me at that time: “As we work through challenging issues regarding religious and ethnic expression and freedom, we do our level best to make sure that we protect the rights of individual students. We work within the boundaries of state law and district policies; we strive to be fair, consistent, and transparent in our practices.”

Under this lofty-sounding mindset (which I believe is well-intended and shared by many district leaders) the law, nonetheless, was being persistently bent and broken and this begs for HB 428. HB 428 summarizes and enumerates clearly what the state law really is and is specific and brief enough to serve as a virtual field guide to inform Superintendents and District officials to adopt and practice Constitutionally-sound policy, not lofty puffery in order to create building cultures that are not faith-hostile.

To this end HB 428 also packages more concisely the law as it relates to K12 student religious expression freedoms in the classroom.

One memorable example of religious point-of-view suppression occurred among my (also well-intended) teaching colleagues. While working with teachers across different curricula, an issue regarding students’ ability to self-select research topics arose. High school students had been encouraged to select current issues for a cross-curricular research assignment for an election forum. Many students had demonstrated strong interest in the topic of abortion. Many of my teaching colleagues expressed that it was inappropriate for us to allow students to research abortion because it might include religious-based points of argument. It was said (and then imposed by administration) that such topics were thereby off-limits in a classroom context.

Let me close my “insider” remarks on some Ohio school cultures. Recently, several of my high school students asked whether they could include their faith in God as a part of their capstone project. They felt they must ask permission. Why, because they have been tutored by school policies and teacher practices that their public school is faith-unfriendly space.

Students are surprised and thankful to hear that, of course, they may include their faith in their studies. My hope is that with the help of HB 428, all Ohio students will become better prepared to express and live out their earnest faith beliefs and that Ohio public schools will actually become famous for being faith & conscience-friendly and therein truly educate each child, the whole child in Constitutionally-affirmed complimentary partnerships with their local families, local communities and local places of worship….so that the next generation of citizens are optimally equipped to build our pluralistic, civil society, together.

Thank you.