

Good afternoon Chair Manning, Vice Chair Arthur Fowler, Ranking Member Robinson and distinguished members of the Primary and Secondary Education Committee.

My name is Matt Krause, and I am an attorney with First Liberty Institute. FLI is the nation's largest organization in the country dedicated to advancing and defending religious liberty. I am delighted to be here today to testify in favor of HB 445.

While I am a constitutional attorney, I am not necessarily here today to discuss the legality or constitutionality of release-time programs that are the subject of HB 445. It is well-established that such programs have been approved by the Supreme Court since 1952, and explicitly written into Ohio law in 2014, so we do not need to dwell on that here today.

Instead, I want to ensure the committee understands exactly what this bill does or doesn't do. The bill makes only one change to the law established in 2014. If you look at the bill before you, it literally only changes one word in the entire statute. That one word change makes a "may" a "shall." While this is a minor change in wording, it has very important implications.

According to Section 3313.6022 of the Revised Code, a school district may adopt a policy that authorizes a release-time program in that district. Under HB 445, that policy would now state that a district shall adopt such a policy. The bill does not require a school district to have a release-time program, rather that the school board have a policy in place to fit their district in the event parents would like their children to participate.

I want to make it clear that every other part of the 2014 statute remains in effect and unchanged. Provisions that stay the exact same under the current policy proposal:

1. A student's parent or guardian must still provide written consent;
2. The sponsoring entity must continue to maintain attendance records that are readily available to the district.
3. The sponsoring entity, parent, guardian, or participant in the program must take the responsibility to transport students to and from the place where the program is being held. This responsibility continues to apply to students with disabilities who wish to participate in the program.
4. The sponsoring entity continues to assume liability for the participants in the program and make provisions for the attendees.
5. No public funds will be spent and no public school personnel will be involved in the providing the religious instruction. This is the exact same standard currently under Ohio law and will continue should HB 445 become law.
6. The students will continue to assume responsibility for any missed school work for having participated in the release time program. Students will not be allowed

to miss core curriculum subjects even under HB 445. And no absences can be assessed to students participating in a release time program.

Members of the Committee, as you can see, nothing changes in the bill except the permissive nature of school boards adopting a release time program. Literally one word changes in the bill.

So, you may be asking yourself, if everything else is staying the same, what is the need for making the one word change of “may” to “shall”? That is a very reasonable and logical question. And the answer lies in the philosophy of the Ohio legislature in how it views the parents’ relationship to the education of their child. Over and over again in Ohio public policy, the legislature has rightly recognized that parents should be in control over their child’s educational efforts. That includes release-time programs. Many parents and students across the Buckeye State want to participate in these constitutional release-time programs. However, some school boards have refused to allow these programs in their district. Others have rescinded policies that were in place when parents petitioned to establish a program. There seems to be no valid reason for denying students access to these programs.

The question before this committee then is whether Ohio will allow parents to dictate the educational choices of their children, or will school boards have final say over what their child can learn or participate in during school hours.

I encourage you to choose the former and continue to put parents in the driver’s seat of educational opportunities here in Ohio. The release-time programs have been a massive success here in the state – as you will hear shortly. The 2014 statute has served Ohioans well for the last decade. There is every reason to continue to expand opportunities for Ohio students by changing “may” to “shall” in the current statute. Thank you for your time today and I look forward to answering any questions you may have.