

CLYDE - GREEN SPRINGS EXEMPTED VILLAGE SCHOOLS

Lucas Messer,
Superintendent

Thomas R. Jeffrey,
Treasurer



Joseph C. Letterhos,
Assistant Superintendent for Curriculum & Instruction

Kendal Hossler,
Special Education Director
Preschool Director

9/23/25

VIA E-MAIL

Mr. Keith Comer
keithc@respectpublicschools.com

Re: Released Time for Religious Education

Mr. Comer:

This letter is in response to your e-mail of September 16 2025, in which you raised concerns about the Clyde-Green Springs Exempted Village School District ("District") Board of Education's ("Board") released time for religious instruction program. Specifically, you alleged: (1) that certain District employees' and volunteers' affiliation with LifeWise Academy violates Ohio law; and (2) that criminal records checks of LifeWise instructors and volunteers can only be arranged by or through the District.

Pursuant to R.C. 3313.6022, boards of education are required to "adopt a policy that authorizes students to be excused from school to attend a released time course in religious instruction". The District has done that with Board Policy 7.33 – "Released Time for Religious Instruction." The District's compliance with the law is not an endorsement of any sponsoring entity providing religious instruction to District students under Board Policy 7.33.

Consistent with R.C. 3313.6022(B)(6), Board Policy 7.33 provides that "No public funds are expended and no public school personnel are involved in providing the religious instruction." The phrase "involved in providing the religious instruction" is not defined under R.C. 3313.6022, and no Ohio court has ever interpreted it. Thus, whether the phrase applies to individuals who are merely volunteers (rather than instructors) of a sponsoring entity that provides religious instruction is not settled under Ohio law. Because it is a condition required to be established within a board of education's own policy on the subject, it is a board of education's prerogative to interpret its meaning. When a specific subject has been assigned to a board of education by law, Ohio's courts have no authority to control the discretion of the board or to substitute their judgment for that of the board with respect to that subject. Rohrbaugh v. Elida Loc. Bd. of Edn., 63 Ohio App. 3d 685, (1990); Brannon v. Bd. of Edn., 99 Ohio St. 369, (1919).

In the case at hand, the District has learned that the two District employees (one of whom is a custodian and the other a food service worker) and the two District volunteer mentors you inquired about do not serve as instructors for LifeWise Academy. On these facts, the District has determined that they are not "involved in providing the religious instruction." Thus, your assertion that the District is in "violation of the law" is unfounded. Nonetheless, out of an abundance of caution, the District has advised LifeWise Academy that, pursuant to Ohio law and Board Policy 7.33, the individuals in question may not be involved in providing the religious instruction.

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I must also note that no release time for religious instruction has yet occurred in the District during the 2025-2026 school year due to a school closure on September 17, 2025. As such your assertion that there has been a "violation of the law" is self-evidently false.

Finally, in response to your inquiry about the criminal records checks under the District's released time program, R.C. 3313.6030 permits – but does not compel – a board of education to require a criminal records check of any instructors or volunteers of a private sponsoring entity providing a released time course in religious instruction to the board's students. R.C. 3313.6030 expressly states: "The school district board of education shall determine the manner in which criminal records checks of instructors and volunteers of the private entity are conducted." To that point, Board Policy 7.33 provides, in relevant part:

Any instructors or volunteers of a private sponsoring entity providing a released time course in religious instruction to the Board's students must submit to the District Superintendent the results of a criminal records check, performed by the Ohio Attorney General's Bureau of Criminal Investigation within one (1) year of submission, evidencing whether the individual has been convicted of or pleaded guilty to any of the criminal violations listed R.C. 3319.39(B)(1).

Note that Board Policy 7.33 does not require that the criminal records check be arranged by or through the District. Rather, a sponsoring entity may arrange for the criminal records check to be performed, consistent with Board Policy 7.33. Thus, your statement that "[s]chools would always use their own [criminal records checks] and not rely on a third party," is also clearly false.

I trust that the foregoing information clarifies your misconceptions about the District released time for religious instruction programs. Should you require further information, please contact me.

Respectfully,

A handwritten signature in blue ink, appearing to read 'Lucas Messer'.

Lucas Messer
Superintendent

cc: Thomas Jeffery, Treasurer
Daniel L. Lautar, Esq., Board Legal Counsel