

Jan Resseger: Five Reasons Why the Lawsuit Filed by Over 100 School Districts to End EdChoice Vouchers is so Urgently Important.

Jan Resseger blogs about various contemporary issues, especially about education. Her insights are always enlightening.

Her March 1 blog regarding the EdChoice voucher lawsuit provides information and data Ohioans need to comprehend.

Five Reasons Why the Lawsuit Filed by Over 100 School Districts to End Ohio's EdChoice Vouchers Is So Urgently Important

by janresseger

As I listened to a webinar last week about the Vouchers Hurt Ohio lawsuit filed by more than 100 school districts to demand that the court finds our state's EdChoice Voucher program unconstitutional under the Ohio Constitution, I challenged myself to name five succinct reasons this lawsuit is so urgently important. Here is my five point argument against Ohio's EdChoice Vouchers.

First --- EdChoice Vouchers were premised on a false assumption---that standardized test scores are a measure of school quality.

In fact aggregate standardized test scores reflect primarily our society's family economic inequality from school district to school district. In the fall of 2019, the Plain Dealer's data wonk, Rich Exner, created a series of bar graphs to demonstrate the almost perfect correlation of school districts' letter grades on the state school district report card with family income. Standardized test scores are not a good measure of school quality.

By basing voucher eligibility for students on their school's low standardized test scores as reflected in the state school report cards, legislators who initiated the voucher program premised the idea of vouchers as an escape route for students from public schools instead of developing a strategy to support the public schools that serve our state's poorest children.

In research summarized in a newsletter last October describing the National Education Policy Center's new Price of Opportunity Project, NEPCs executive Director Kevin Welner explains that school achievement gaps as measured by standardized tests instead reflect larger opportunity gaps: "Those of us who work in or with schools never question the enormous impact that a teacher or school can have on a student. But this essential truth coexists with another truth: that differences between schools account for a relatively small portion of measured outcome differences. That is, opportunity gaps in the U.S arise primarily outside of schools. This should not be a surprise. Poverty, concentrated poverty, and racialized poverty are pervasive features

of America. School improvement efforts cannot directly help children and their families overcome decades of policies that perpetuate systemic racism and economic inequality. When children are born in the United States, their educational and life outcomes can all be predicted based on their parents' education, income and wealth. Compared to the Scandinavian countries and other so-called Western democracies like Canada, Spain, Australia, and New Zealand, American children are inordinately trapped in intergenerational poverty. Inequality in the U.S. is stark and enduring."

Second --- Ohio school districts serving masses of poor students lose urgently needed school funding to vouchers. The students who remain in district public schools suffer program losses when other students extract essential school funding to pay private school tuition.

In Ohio, EdChoice Vouchers, funded by school district deduction, have taken money year after year from the budgets of local school districts serving masses of Ohio's poorest children. Until last summer's budget bill, the Legislature made the school districts themselves pay for the vouchers out of their local budgets and therefore increase class size, or cut the number of counselors and school nurses, or shutter the school library in the public school. At last week's Vouchers Hurt Ohio webinar, Cleveland Heights-University Heights school board member, Dan Heintz, explained that of the 22 Ohio school districts most severely penalized by the EdChoice Voucher program, all 22 are majority poor, and 19 are majority African American. In these school districts which desperately need increased services for their students, the loss of school funding to vouchers has pared down programming for the students who remain in the public schools.

Third --- Many school districts lose more money to vouchers than they receive for voucher students in state foundation basic aid.

The state has awarded to the local school districts basic foundation aid for each of the voucher students, but the amount of each voucher in many cases has significantly exceeded the amount of per-pupil state aid coming to the district. In many of these districts which primarily serve students in poverty, the state has been extracting more money for each voucher student to carry out of the school district budget than it spends on each student who remains in the district's public schools. Many of the students taking vouchers out of the school district budget have never been enrolled in the district's public schools and have always attended private schools. Heintz reminded viewers that in his district, 95 percent of students taking vouchers have never been enrolled in the school district.

The lawsuit, as filed, delineates the losses in public school funding for Heintz's district, one of the plaintiff districts: "The Cleveland Heights-University Heights City School District... is expected to receive from the state of Ohio a total of approximately \$5.6 million in foundation

funding for Fiscal Year 2022 to educate the 5,000 students who attend its schools. The state of Ohio, however, will pay out over \$11 million for private school tuition to the approximately 1,800 EdChoice Voucher recipients residing within the Cleveland Heights-University Heights City School District in Fiscal Year 2022. In other words, approximately twice as much public funding will be paid in Fiscal Year 2022 for private school tuition for CH-UH residents as the foundation funding allotted to the entire student body of the Cleveland Heights-University Heights District.”

Fourth --- EdChoice Vouchers have exacerbated white flight.

In a number of school districts, EdChoice vouchers have accelerated racial segregation, as white students have taken the vouchers to attend private schools. At the press conference where the lawsuit was announced, a member of the Richmond Heights Local Schools Board of Education, Nneka Jackson explained how, in her Cleveland suburban school district, EdChoice Vouchers have increased racial isolation: “If someone tells you this is about helping poor minority children, hook them up to a lie detector test ASAP and stand back because the sparks are going to fly... About 40 percent of Richmond Heights residents are white. Before the EdChoice private school voucher program, about 26 percent of the students in the Richmond Heights School District were white and 74 percent were students of color. Today, after EDChoice, Richmond Heights is three percent white and 97 percent students of color. Private schools are allowed to discriminate, plain and simple, based on disability, disciplinary records, academic standing, religion and financial status. These are often proxies for race and other protected characteristics. Ohio is essentially engaged in state-sponsored discrimination in admissions and retention. You know who can’t do this? Public schools. Common schools.”

Fifth --- By expanding the EdChoice Voucher program in the FY2022-2023 state budget, the legislature made it impossible to fully phase in the new Fair School Funding plan it passed in the same state budget.

The state ended school district deduction finding for EdChoice Vouchers in the FY 2022-FY2023 state budget and will fund the vouchers out of the state’s public school foundation budget. In the very same the FY 2022-FY2023 state budget, the legislature passed a new Fair School Funding Plan. By expanding EdChoice Vouchers, the state has rendered itself unable to fully phase in the Fair School Funding Plan.

The lawsuit declares: "Under House Bill 110, in the state budget bill recently passed by the General Assembly, effective June 30, 2021, the EdChoice Program has been greatly expanded both in terms of eligibility for the EdChoice Program and its scope. Indeed, HB 110 eliminates previous limits on the number of EdChoice Program vouchers the Ohio Department of Education can approve... Because public funds are finite, funding EdChoice Program Vouchers

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out of the foundation funding designated for public school districts inevitably depletes the resources designated by the legislature for educating Ohio's public school students... HB 110 initially incorporated the salient features of the... Fair School Funding Plan, a bipartisan effort to fund Ohio's public schools adequately and equitably as required by the Ohio Supreme Court in *DeRolph v. State*.... However, due to the ballooning effects of the EdChoice Program, the enacted version of HB 110 funded only up to one-third of the increases required by the proposed Fair School Funding Plan over the next two fiscal years."

The Vouchers Hurt Ohio lawsuit challenges a state program that has exacerbated systemic racial and economic injustice.

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