

## **Pro-Privatization Fordham Institute Attacks Steve Dyer for Advocating That the State Follow the Ohio Constitution**

School privatizers become cranky when they are admonished that their schemes are counter to the Constitution. Fordham goes after Steve Dyer for stating a constitutional position.

### **Yes, School Choice fans, the Ohio Constitution requires funding a system of public schools**

Fordham cynically attacks me for advocating the state follow the Constitution. What else is new.

Stephen Dyer  
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Well that didn't take long.

After my several part series last week addressing the Fordham Institute's unwarranted demand that taxpayers fork over another \$150 million to fund school choice options that perform worse, lead to increased racial segregation and cost state taxpayers far more than public schools, Fordham went after just one portion of that critique — my suggestions for developing a voucher program that actually met their stated goal of "rescuing" kids from "failing" schools.

Notice they didn't dispute my critiques, or my analysis of the amount of money their demands would cost. It was that I suggested that students taking vouchers should attend public schools for 180 days before taking one. Because a school can't "fail" a kid unless they actually try to educate a kid, right?

Not according to Fordham. In fact, that suggestion was me "saying the quiet part out loud", according to the article's title.

However, I stole that suggestion from (drumroll please) ... the original EdChoice voucher program. Here's how the Ohio Legislative Service Commission described the then-new program in its analysis of House Bill 66 — the 2005 state budget bill in which EdChoice was created (my emphasis added):

The enacted budget establishes the new Educational Choice Scholarship Pilot Program, slated to begin in FY 2007. The program will provide scholarships to students who attend a school that has been in academic emergency for three or more consecutive years, including community school students who otherwise would attend school in those buildings. Students in grades K-8 who were enrolled in an eligible school the previous year may apply for an initial scholarship to attend a chartered nonpublic school.

So my suggestion, far from being the "the height of arrogance" Fordham claims, was actually the law until recently.

[Chart: Voucher Payments]

I know. Weird they'd go off on me suggesting the state return to the law's original intent, right?

They also complain that I said that money going to vouchers takes money away from public schools. Again, under state law, the money for vouchers comes out of the same line item as that for public schools. The funding formula for public schools is not yet fully funded (though it should be). Therefore, any money being spent on private schools necessarily impedes the ability of students in public schools to receive the amount of state funding the state formula says they need (see there, Fordham? I used the word “students”, not “system” to describe where the money’s going, just like I always do).

Fordham’s logic pretzel just doesn’t make any sense. But when has the school choice advocates’ point on this funding issue ever made sense? If you’re spending money on non-public schools while not providing students in public schools the resources the state says they need, it is, in fact, removing state funding that would otherwise pay for the educations of the 90 percent of students who attend public schools.

Then the author (Jessica Poiner) suggests that because a few public schools had some embarrassing incidents over the years, we should harm the educational opportunities for the 90 percent of students who attend public schools by forking more money over to school choice options. Funny how she never mentioned that the biggest taxpayer ripoff in Ohio history (\$117 million) happened at an Ohio charter school. Or the problems at Ohio’s private schools over the years (remember Bishop Sycamore, Jessica? That was last year).

Although, I did appreciate her snark here:

If traditional public school advocates like Dyer want to champion high-quality district schools, that’s great. But at least be honest about who has access to them (spoiler alert: not everyone) and the fact that high performers can’t and shouldn’t give cover to low performers.

Do I really need to point out again that even in urban districts, public schools outperform their voucher receiving private school counterparts in 9 out of 10 cases, including in more than half of the state’s urban core? Or that I have always said the biggest impediment to high-quality public schools in every community has been the legislature’s unwillingness to pay for them?

New Language. Same intent. Demonize public school advocates.

Finally, I have to address this new canard perpetrated by school choice advocates. The idea that public education advocates want to fund “systems” and choice advocates want to fund “students” — an argument I was making that truly “offended” her, apparently. Even though I never made that argument. I said throughout my critique that I wanted the money to go to kids in public schools, just as I did in this post.

But whatever. Let’s talk about “systems”, shall we?

Fundamentally, it’s neither I nor my colleagues who call on the Ohio General Assembly to fund a system of public schools; it’s the Ohio Constitution, Article VI, Section 2.

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“The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state.”

Want more? Ok. Article VI, Section 3 is actually titled “Public school system, boards of education.”

So it is the Ohio General Assembly’s constitutional duty to provide money for a public education system. If Fordham wants to change the Constitution, then they can have at it. But until they do, the only thing the Ohio Constitution requires the legislature to do is fund a public education system.

But Fordham knows this.

So why do they use this systems v. kids language?

Simple.

It’s a cynical, focus-grouped, poll-tested narrative to turn people like me into ghouls and people like them into righteous angels.

And it’s bullshit.

You know how I know? Because choice advocates never talk about kids in public schools and how their choice agenda harms those kids. Because it does. And always has.

Fordham and their ilk ignore kids until they want to go to a charter school or take a voucher. That’s when they count. Until then, they’re invisible.

So if charters or vouchers force families living in school districts to raise their property taxes more often because their district doesn’t have as much state funding as the state says it needs, so be it.

If charters or vouchers force parents to have to pay for their sons to play football or their daughters to play field hockey, so be it.

If charters or vouchers force kids in local public schools to live with fewer educational opportunities, so be it. Just take a voucher. Go to a charter school.

But by no means should the state actually provide the resources it says the student needs in the public school. For if the school is struggling, it’s doing so because of teachers unions, or me, or some other bogeyman.

Never mind that the state hasn’t funded schools properly for 30 years, in large part because it was so busy shoveling \$18 billion to privately run charter schools and private school tuition subsidies during that time.

Did I mention that not a penny of the money spent on private school tuition subsidies has ever been publicly audited?

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None of that matters to Fordham because your choice doesn't matter to Fordham unless you choose to take a voucher or go to a charter school.

Only then will they advocate you get more money, even if you're a failing school.

Only then will they say that test scores are more indicative of student and school demographics than true educational attainment.

Only then will they claim unbridled, system-wide success based on 2 of 24 test score results.

For it is only then that they will actually fight for you and your right to a world-class education.

The other 90 percent of you?

That's the underfunded system's problem.

[Yes, School Choice fans, the Ohio Constitution requires funding a system of public schools \(substack.com\)](#)