

## **April-May 2023 edition of Ohio Schools magazine features Dan Heintz' involvement in public education advocacy and the EdChoice voucher case**

Dan Heintz is a history teacher in Chardon Local School District and a board member in Cleveland Heights-University Heights School District. He serves on the Steering Committee of the Ohio Coalition for Equity and Adequacy of School Funding. As an enthusiastic education professional and advocate, he was interviewed for a feature article in the April-May 2023 OEA [Ohio Schools](#) magazine. His powerful advocacy for public education jumps off the pages.

### **FEATURE**

ONE YEAR AGO, VOUCHERS HURT OHIO FILED A LAWSUIT AGAINST THE STATE CHALLENGING THE CONSTITUTIONALITY OF ITS EDCHOICE PROGRAM. AS THE LAWSUIT MOVES FORWARD, SO ARE LEGISLATIVE PROPOSALS TO CREATE A VAST EXPANSION IN SCHOOL VOUCHER ELIGIBILITY. WHY DO THESE ACTIONS MATTER, AND WHAT CAN YOU DO TO SUPPORT PUBLIC SCHOOLS?

Standing up for Ohio's public schools OEA member Dan Heintz grew up in Cleveland Heights-University Heights (CH-UH), a community his parents chose for its reputation of being welcoming to all.

"When I was growing up, this was also reflected in a wide variety of religious institutions in the city, many of which had schools," Heintz said. "Most of us went to the public schools, which were fantastic, but some of us didn't, and nobody cared. We all played football together on the street until the lights came on, went home, and it was fantastic. We visited friends' homes and there would be all sorts of things we were not familiar with going on. It was this great, culturally rich place to grow up."

Now a history teacher in Chardon Local Schools and a member of the board of education in his hometown, Heintz said Cleveland Heights-University Heights has remained a place where diversity is embraced. "It doesn't matter what language you speak; it doesn't matter where or how you worship; it doesn't matter the makeup of the adults in your home. We're home to everybody, and that's always been an incredible strength for us."

But the strength of this vibrant, northeast Ohio school district—and many others—has been tested by Ohio's Educational Choice Scholarship Program (EdChoice), the state's largest voucher program.

"Vouchers came and began to monetize children," Heintz said. As voucher schools began actively seeking out kids, public money left the public schools and went to private institutions. "It really divided our community," Heintz said. "It took this incredible strength and weakened it because it artificially inserted a stress point between groups. It's heartbreaking. "I don't care where anybody goes to school. I just don't want your decision to attend school B to diminish what's being offered in school A in my community. You can't deny that has happened. As a result—and because of Ohio's overemphasis on local taxes—our community has had to go back to voters, time and time again to help make up that gap in funding."

### **VOUCHERS COME TO OHIO**

Ohio's first statewide school voucher program was created in 2005 when the Ohio General Assembly enacted the performance based EdChoice program to help "poor kids in failing public schools" get a quality education. About 3,000 vouchers (called scholarships) were used the first year.

Initially, EdChoice vouchers of up to \$4,250 for elementary school students and \$5,000 for high school students, were available only to students assigned to schools in "academic emergency" for three consecutive years who did not live in the Cleveland Metropolitan School District where students were already eligible for state-funded vouchers.

The next year, eligibility was expanded to include schools in either academic emergency or academic watch for three years. Six months after that, the requirement dropped to two of the last three years.

In 2013, lawmakers created an income-based scholarship for all kids regardless of their home district. They then removed the requirement that kindergartners be enrolled in their local public school first, a change that was later expanded to include all K-12 students.

The program that began as a \$5 million pilot has continued to expand, becoming a statewide voucher system that cost Ohio taxpayers \$315 million in 2022.

In the state budget for Fiscal Years 2022 and 2023, eligibility for EdChoice vouchers based on family income increased to 250% of poverty (\$75,000 for a family of four). During the 2022- 2023 school year, income-based vouchers have provided funding for more than 57,000 students in the amount of \$5,500 for students in grade K-8 and \$7,500 for students in grades 9-12.

Originally touted to improve educational outcomes in the state, Ohioans were promised EdChoice would boost student achievement. But studies have shown little evidence that students using vouchers to attend private schools have improved academic achievement.

In 2011, The Plain Dealer studied the performance of voucher students at private schools compared to students at the public schools they would have otherwise attended, reporting that "Cleveland public school students often outperformed voucher students on 2009-10 state proficiency tests, according to data from the Ohio Department of Education." The story noted that students who remained at public schools outscored those who used vouchers to attend private schools on nine of the 14 tests.

A 2020 investigation by the Cincinnati Enquirer found that most students who used EdChoice scholarships performed worse on state standardized tests than their public school peers. In 88% of Ohio cities where vouchers were used, the data showed better test results for the public schools. In Ohio's eight largest cities, five of the districts (Akron, Canton, Cleveland, Toledo, and Cincinnati) reported higher proficiency levels. Akron City Schools had the biggest difference, scoring nearly 8 percentage points higher than the private schools in its area.

In 2014, Education Week ranked Ohio 16th in the United States for K-12 Achievement. That same year, Ohio's General Assembly allotted \$70.5 million to EdChoice vouchers. By 2021, despite voucher spending of \$163 million that year, Ohio's ranking had fallen to 27th in the nation.

While EdChoice vouchers haven't improved education through competition, they have made it harder for Ohio's districts to provide the education their students deserve by siphoning taxpayer money from public schools and forcing districts to increasingly rely on local property taxes.

Cleveland Heights-University Heights was expected to receive approximately \$5.6 million in foundation funding from the state for Fiscal Year 2022 to educate the 5,200 students attending its schools. At the same time, Ohio paid more than \$11 million for private school tuition to the approximately 1,800 EdChoice voucher recipients residing within the school district— nearly twice as much public funding for private school tuition for CH-UH residents as the state allotted to the entire student body of the CH-UH district.

According to Heintz, nearly 95% of the students using vouchers in Cleveland Heights-University Heights have never been enrolled in the district's schools.

"Most of these families never intended to come to Cleveland Heights—they came here to go to their own school without paying anything," Heintz said. "Any kid zoned for an eligible school qualifies for a voucher, regardless of income. They are not being rescued from a failing school. They are being rescued from a tuition bill. Period."

### **CREATING A PATTERN OF DISCRIMINATION**

School vouchers were first created after the Supreme Court banned school segregation with its ruling in *Brown v Board of Education*. School districts used vouchers to enable white students to attend private schools, which could—and still can— limit admission based on race. As a result, schools that served those white students were closed, and schools that served Black students remained chronically underfunded.

The pattern of discrimination has continued with vouchers. Unlike public schools, private schools can limit admission based on race, gender, sexual orientation, ability, and any other number of factors. And because vouchers rarely cover full tuition and expenses, families who were promised a better education are left paying the rest of the bill.

EdChoice vouchers have had a profound impact on the racial makeup of school districts in Ohio.

Prior to the availability of EdChoice vouchers, the student body of Cleveland area Richmond Heights Schools was 26% white. Today, although the community's population is approximately 40% white, white students make up only 3% of the district's enrollment.

In nearby Cleveland Heights-University Heights, the majority of students identify as mixed race or minority, but more than 90% of EdChoice voucher users are white, resulting in a district that is now 17% white.

Public school enrollment has followed a similar trend throughout Ohio. In Columbus Public Schools, for example, the district has lost more than 7% of its white students since the introduction of EdChoice.

“We are all about educating our kids because you only get one chance,” Heintz said. “As parents, we are doing our best for our kids where we are, but the impact of vouchers has been to resegregate Ohio’s public schools.”

Since it instituted the EdChoice voucher program, Ohio has sent more than a billion dollars of taxpayer money to institutions that are fundamentally and completely private, with no accountability, no transparency,” Heintz said. “That money goes in the door, and poof, it is unaccountable. This money is given to them from the hard work of Ohioans and, in a sense, into a world that is entirely private and out of reach of any eyes.”

### **STANDING UP FOR PUBLIC EDUCATION**

Residents in communities like CH-UH understand that Ohio’s public school funding system was declared unconstitutional more than 25 years ago and that the legislature has, thus far, failed to fund the state’s schools fairly and fully. They also understand that vouchers are taking money from the public schools that educate 90% of Ohio’s 1.6 million students.

As Heintz and other CH-UH school board members went out to seek support for a second operating levy, residents told them, ‘I understand that you’re doing what you can to save money and that you’re stretching our dollars. What I can’t see is what are you doing to protect our tax dollars?’ 14 OHIO SCHOOLS APRIL / MAY 2023

“We heard that question in different forms so often we decided to find a way to pressure the legislature to do the right thing. We pursued lobbyists; we came to Columbus to speak at hearings. Finally, we realized that we needed to do more—we needed to work as hard to protect our taxpayers’ money as they work to earn it.”

When Heintz was approached about the idea of a lawsuit in March of 2020, he was all in. The Vouchers Hurt Ohio coalition was formed and, together, the group of public education advocates researched ways EdChoice might violate parts of the Ohio Constitution.

On January 4, 2022, the Columbus City School District, Cleveland Heights-University Heights City School District, Richmond Heights Local School District, Lima City School District, Barberton City School District, two Cleveland Heights parents, and Ohio Coalition for Equity and Adequacy of School Funding, representing 100 school districts, filed a lawsuit challenging the constitutionality of the state’s voucher system.

Vouchers Hurt Ohio charged the state with violating the state constitution’s version of federal equal protection laws as well as several violations of the article of the constitution dealing with education funding. Article VI, Section 2 of the Ohio Constitution dictates that the state create a “thorough and efficient system of common schools,” which the lawsuit stated denotes one statewide system, not two.

“By underfunding public schools in favor of subsidizing private school education, the General Assembly, State Board of Education, and the Ohio Department of Education have created an incomplete and inefficient system of schools whereby public schools struggle to provide adequate educational

programming and staffing to their students while private schools expand, build and grow,” the plaintiffs stated.

In its case, the coalition detailed its claims, noting: “The EdChoice Scholarship Program poses an existential threat to Ohio’s public school system. Not only does this voucher program unconstitutionally usurp Ohio’s public tax dollars to subsidize private school tuitions, it does so by depleting Ohio’s foundation funding—the pool of money out of which the state funds Ohio’s public schools... The discrepancy in per pupil foundation funding is so great that some districts’ private school pupils receive, as a group, more in funding via EdChoice Vouchers than Ohio allocates in foundation funding for the entire public school district where those students reside.

This voucher program effectively cripples public school districts’ resources, creates an ‘uncommon’, or private system of schools unconstitutionally funded by taxpayers, siphons hundreds of millions of dollars of taxpayer funds into private (and mostly religious) institutions, and discriminates against minority students by increasing segregation in Ohio’s public schools. Because private schools receiving EdChoice funding are not subject to Ohio’s Sunshine Laws or most other regulations applicable to public schools, these private facilities operate with impunity, exempt from public scrutiny despite the public funding that sustains them.”

On December 16, 2022, Franklin County Court of Common Pleas Judge Jaiza Page denied the state’s request that she dismiss the Vouchers Hurt Ohio Lawsuit filed by the coalition. The case is now proceeding to trial. If the lawsuit succeeds, it could mean the end of EdChoice vouchers.

### **FIGHTING VOUCHER EXPANSION**

Shortly after the new legislative session began in January, Ohio policymakers announced several proposals aimed at a vast expansion in private school voucher eligibility.

OEA is strongly opposed to the proposals that would dramatically increase eligibility for school vouchers, undercutting the ability for the state to provide what is needed for the students who attend Ohio’s public schools. It is critical that state policymakers prioritize meeting the needs of these students.

Governor DeWine’s executive budget proposal in House Bill 33 calls for an increase in eligibility for the income based EdChoice voucher program from 250% of federal poverty guidelines (\$75,000 for a family of four) to 400% (120,000 for a family of four).

Sponsored by Senator Sandra O’Brien (R- Rome), Senate Bill 11 allows for universal eligibility under the EdChoice voucher program. All K-12 students, regardless of family income, would be eligible for vouchers. The bill also increases the homeschooling tax credit from \$250 to \$2,000. The proposed program is estimated to cost \$536 million a year just to pay the cost of vouchers for students who currently attend private schools.

House Bill 11, sponsored by Representatives Riordan McClain (R- Nevada) and Marilyn John (R- Shelby), is a universal voucher bill that would make all K-12 students eligible for a new “backpack scholarship.” If enacted, the bill would provide funds for tuition at private schools and for homeschooling. Unlike

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current voucher programs, HB 11 would pay for tuition at both chartered and non-chartered private schools. These unregulated educational options are not currently eligible under Ohio's voucher programs. The estimated cost of HB 11 is expected to be much higher than the other proposals due to this.

Vouchers undermine strong public education and student opportunity. They take scarce funding from public schools and give it to private institutions that are not accountable to taxpayers.

OEA supports the ability of parents to choose private schools or home education if they believe it is the best educational option for their children. However, taxpayers should not pay for this choice. Expanding voucher programs would have a detrimental impact on the state's ability to fund its public schools that are open to all and serve most of Ohio's students.

OEA urges legislators to oppose proposals to increase eligibility for private school vouchers and to prioritize needs of all students by fully implementing the Fair School Funding Plan.

**How can you support Ohio's public schools?** Contact your legislators and urge them to oppose proposals to expand vouchers in Ohio. Take action at <https://bit.ly/3YjWj2>.

Learn more about Vouchers Hurt Ohio at <https://vouchershurtohio.com>.