

## **Presentation given at the OSBA Capital Conference regarding the Ohio voucher scheme.**

A form of this presentation was given by William L. Phillis at the OSBA Capital Conference on November 15, 2023.

### **INTRODUCTION**

I have had the opportunity to make a presentation at each OSBA Capital Conference since about 1978—45 years ago. Each year, there are issues that need to be addressed.

### **ISSUES IN THE 1970'S, 1980'S AND 1990'S**

In the late 1970's and 1980's, desegregation of schools, funds for private schools, wrapping up the statewide vocational/career technical education plan and the state special education plan, and school funding reform were among the concerns.

In the 1980's, several state officials advocated for school funding improvements. Several school funding and education-related studies were conducted by the Ohio Department of Education, the House, Senate, and Governor Celeste. Most of the study reports were ignored by future governors and legislatures. Hence in the 1990's and early 2000's the DeRolph School Funding case was of considerable interest.

In 1983, the Reagan Administration issued the horrifically flawed, disingenuous Nation at Risk report that was largely discredited by the Sandia Report; however, the Bush 41 Administration buried Sandia. Reagan, picking up on Libertarian Economist Milton Friedman's voucher kick, gave vouchers a shot in the arm. Bush 41 embraced Reagan's voucher and all-things-private campaign. Bush 41 came to Ohio on November 25, 1991 admonishing Ohio to give a voucher to every student.

In 1990, the Brookings Institute published a book written by John E. Chubb and Terry M. Moe. In the foreword of the book, the president of the Institute, in sync with the Nation at Risk report, trashed public schools stating that government has not solved the education problem because "government is the problem." The authors opined that boards of education cannot reform schools because democratic processes prohibit solutions. They recommended the market approach. The education community did not push back--didn't even defend itself; was intimidated.

### **POLITICIANS CALL FOR REFORM**

By the late 1980's, public officials throughout the nation were calling for reform of the public common school system. In Ohio, the Senate President announced an education reform package in the late 1980's. There was a problem.

As an Assistant Superintendent of Public Instruction, I received a call from the Chair of the Senate Education Committee asking for help. He said the Senate President announced SB140 as an education reform package, but the content was yet to be determined.

Much of this uninformed foment regarding the need for education reform originated with the 1983 Nation at Risk report as noted previously. A permanent, undeserved blemish was heaped on the public school system by that disingenuous report. Politicians, including presidents, made a lot of political hay by bashing public schools. They crafted policies that punished public schools rather than policies that improved educational opportunities for students.

Teachers unions were a favorite target of the “deformers”, but not only the unions; Boards of Education became a target.

Of course, with the notion floating around that government is the problem, private alternatives such as charter schools and vouchers were offered up to save the children from the democratically-operated public schools. At the national level all the presidents from Reagan to Biden have advocated for charters and/or vouchers at the expense of public common schools.

### **PRESIDENT BUSH 41 CALLS FOR VOUCHERS**

Bush 41, in a speech in Columbus on November 25, 1991, advocated for a voucher for every student. Governor Voinovich and Akron industrialist David Brennan, both comrades of Bush 41, did his bidding. Voinovich appointed a “parent choice committee” headed by Brennan. Guess what? The Brennan committee recommended that every board of education in Ohio provide private school vouchers. That was a non-starter in Ohio in the early 1990’s.

But Voinovich didn’t quit. The Cleveland voucher program became his baby. Baby it was! But that baby grew over the years. As a twenty-something year old, the voucher baby has reached statewide. And it has not stopped growing. What with tuition tax credits, education savings accounts, and capital projects to build voucher schools in private school “deserts”, there is much more privatization to come. The floodgates of the public treasury will continue to be open wider unless stopped by the judiciary.

Most citizens, including those in the public education community, are not aware of this background, and thus may be oblivious to the threat to the public common school. What do I mean by threat? I mean precisely, the elimination of public education except for educating students with disabilities and those in abject poverty. Private schools are not prone to enroll the hardest to educate students.

Privatization zealots and their legislative cronies do not consider the current universal voucher scheme the endgame—the finale. In the short term, making all income levels eligible for a full voucher, increasing the value of vouchers, expanding tuition tax credits and education savings accounts (ESA’s), providing facility funding for private schools are all on the table. The current legislature and governor, in the words of the Senate President, operate in this manner: “We kind of do what we want.”

### **VOUCHER LITIGATION SUGGESTED**

We must understand that the voucher scheme is the arch-enemy of the public common school. Co-existence is not an option. Hence, the EdChoice voucher litigation has become essential. It started when Canton City School board member Eric Resnick, in 2021, suggested to a group of school board members that the EdChoice voucher program should be challenged in court. Soon thereafter, the litigation proposal was vetted by several interested individuals and the Coalition was asked to coordinate the endeavor.

The Steering Committee of the Coalition was reconfigured and a law firm was engaged. The lawsuit was filed January 4, 2022.

The state and some outside organizations with deep pockets are pulling out all the stops to not only defeat the lawsuit, but to keep it from even going to trial.

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The state's Motion to Dismiss was rejected by the court. The Judge let the case go forward with all five claims intact.

We are very optimistic about the outcome.

### **THE RIGHT INGREDIENTS**

We have the right Steering Committee.

Jill Ackerman, Superintendent Lima City Schools  
Monte Bainter, Superintendent Logan-Hocking Local Schools  
Vaughn Bell, BOE Westerville City Schools  
Linda Blum, BOE Northmont City Schools  
Eve Bolton, BOE Cincinnati Public Schools  
Eric Brown, BOE Columbus City Schools  
A.J. Calderone, Superintendent LaBrea Local Schools  
T.C. Chappellear, Superintendent Indian Creek Local Schools  
Mike Collins, Former BOE Westerville City Schools and State Board of Education  
Walter Davis, Former Superintendent Woodridge Local Schools  
Steve Dyer, Former State Representative  
Polly Taylor-Gerken, BOE Toledo Public Schools  
Dan Heintz, BOE Cleveland Heights|University Heights City Schools  
Nneka Slade-Jackson, BOE Richmond Heights Local Schools  
Cathy Johnson, BOE South-Western City Schools  
Lori Snyder-Lowe, Superintendent Muskingum Valley ESC  
Craig McKendry, Treasurer Barberton City Schools  
Joel Parker, Treasurer Elida Local Schools  
Beryl Piccolantonio, BOE Gahanna-Jefferson Public Schools  
Thomas Perkins, Deputy Executive Director BASA  
Eric Resnick, BOE Canton City Schools  
Jocelyn Rhynard, BOE Dayton Public Schools  
Ginny Stewart, BOE Bowling Green City Schools  
Andy Wilson, Former BOE Fairborn City Schools  
Charlie Wilson, BOE Worthington City Schools  
Donna Wilson, Former councilwoman Fairborn  
Rick Vilardo, *ex-officio*, Former BOE Westerville City Schools

We have the right attorneys.

Mark Wallach, a litigator with 47 years' experience in the courtroom.  
Miriam Fair, an education law attorney.

We have the right public relations firm.

Precision New Media, operated by Dennis Willard, a veteran reporter.

We have a judge perceived to be objective—not political.

Judge Jaiza N. Page, Franklin County Court of Common Pleas.

We have the right claims.

COUNT ONE: DECLARATORY JUDGMENT – Creation of one or more systems of uncommon schools in violation of the Ohio Constitution, Article VI, section 2

COUNT TWO: DECLARATORY JUDGMENT – Failure to secure a thorough and efficient system of common schools in violation of the Ohio Constitution, Article VI, section 2

COUNT THREE: Segregation in violation of the thorough and efficient system of common schools as provided in Article VI, section 2 of the Ohio Constitution

COUNT FOUR: Diversion of funding in violation of the “no religious or other sect shall ever have any exclusive right to or control of, any part of the school funds of this state” clause of Article VI, section 2 of the Ohio Constitution

COUNT FIVE: DECLARATORY JUDGMENT – Violation of Ohio Constitution, Article I section 2

And we have the right cause--to preserve the public common school.

The threat to public education is real. The value of the vouchers has been increasing and will continue to increase. The number of vouchers is increasing exponentially because every Ohio student is eligible for one. Universal vouchers will break the bank. Vouchers hurt Ohio students, school districts, teachers and other school employees, taxpayers, employers, and the common good. Voucher promoters are committed to going beyond universal vouchers. They want to heap more funds on private schools via tuition tax credits, education savings accounts (ESA's) and capital funds for private school facilities.

The legislature, as currently constituted, in concert with the current Governor, is committed to the expansion of privatization at the expense of the public common school system. Opponents of voucher expansion are merely tolerated in legislative hearings. Legislature leadership determines outcomes of legislation long before hearings start. The veto-proof legislature is in total control. In fact, one legislature leader seems to have assumed dictatorial powers. Hence, at this juncture, litigation is the only recourse.

### **JOIN THE EFFORT TO FIGHT BACK**

What isn't right is that not all districts are involved. We are gaining school district memberships each year, but every district should be involved. Vouchers present an existential threat to public school districts. Anti-public school organizations are committed to the elimination of public education. Vouchers are an interim step in the process. We must stop this interim step. There is no way that vouchers and the common school system can coexist if the goal is high quality educational opportunities for all.

At this juncture, we want to have a discussion with those in the audience. Among other points, tell us why some districts are not joining the effort.

By: William L. Phillis, Executive Director  
Ohio Coalition for Equity and Adequacy of School Funding  
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