

## April 9: David Pepper's perspective on the EdChoice voucher lawsuit.

David Pepper was a panelist during a public meeting in Upper Arlington, Ohio on April 3. His April 5 [Pepperspectives](#) reflects the tenor of the meeting.

### The Lawsuit to Stop Universal Vouchers

How YOU Can Help...and WHY it's so important that you do

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The explosion of universal vouchers in states around the country is nothing short of a five-alarm fire, consuming both public education and democracy, and spreading rapidly.

Every month, we see the cost of these new, unrestricted private vouchers exploding—[skyrocketing toward \\$1 billion in Ohio](#), already [above that in Arizona](#), and not far behind in other states. And these uncapped dollars come right out of funding otherwise dedicated to public schools, already underfunded in many of these same states.

And the reason the numbers are exploding everywhere is clear.

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Without any restrictions left on who can claim private vouchers, data consistently show these states have created a free-for-all that's being largely soaked up by families:

- 1) who were ***already attending private schools***; and
- 2) who ***could already afford the tuitions*** of those private schools.

They are often doing so at the encouragement or insistence of the private schools themselves, many of which are raising tuition at the same time.

It's now become obvious these policies are as reckless as can be, and it's equally clear that eliminating all restrictions has nothing to do with the original narrow "sales pitch" for private vouchers (as a way for low-income families to "escape" "poor performing" public schools). Once people understand the reality (ie. that this is becoming a runaway subsidy of better-off families already attending private schools), private vouchers also turn out to be *unpopular*.

With all this becoming so clear, are they slowing down, or reforming?

### Going for Broke

Not at all. Those pushing all this are going for broke *right now*. In more states. With fewer restrictions.

Why?

Well, some of the most powerful and deep-pocketed interests in America are pushing them hard to do so. And politicians don't often say no to the DeVoses or Kochs of the world, especially when these billionaires punish any dissenters with brutal dark money attacks in their next campaigns (as they did [just did in Texas GOP primaries](#)).

And even worse, they are banking on the fact that once hundreds of thousands of families or more grow accustomed to having the government subsidize private school education to the tune of \$6,000-\$8,500 or

more per child, amid now-rising tuition (making previously affordable schools less/un-affordable without those new vouchers), these private vouchers will be politically impossible to reverse. They will become baked into the budgets of both these private schools and the families.

It's a reckless and cynical "genie out of the bottle" gameplan. And they're pushing that plan everywhere at once, right now. Endure a little bad press in the short term to score permanent gains in the long term.

### How You Can Help

Which is why, to stop it, time is of the essence.

Public education and democracy activists in communities and states must build the political movements NOW, in every state, to call out and stop this audacious assault on public education. I'll write more on this in the near future.

But here in Ohio, you have a practical way you can help immediately. Today!

A number of Ohio school boards have filed a suit to stop Ohio's reckless voucher expansion in its tracks. A forum I spoke at Wednesday in Upper Arlington (near Columbus) focused in part on this lawsuit, rallying to convince UA's local school board to sign on and support the suit:

You can see the coverage of our discussion [HERE](#).

The suit, described in detail [here](#), lays out a number of arguments/counts as to why the universal voucher explosion is not just warped policy and fiscally reckless, but undermines Ohio's constitution, including that:

1. It defies the Ohio Constitution's, **Article VI, Section 2, requirement that the state fund a "common," single system of public schools throughout the state.** The private voucher expansion promotes multiple private systems of schools, while draining funds from the common public schools. And in many communities (such as Upper Arlington), the state support per student for private vouchers is dramatically higher (5 to 10X) than the state support per public school student;
2. Because the vast majority of funds (and hundreds of millions of public dollars) flow to religious schools, Ohio's private vouchers defy a clear Ohio Constitution prohibition: that **"No religious or other sect shall ever have any exclusive right to or control of, any part of the school funds of this state."**
3. The exploding (and uncapped) cost of the private school voucher program comes out of the same state budget line-item that pays for public schools. "[V]irtually all growth in school funding authorized by the General Assembly in the past five years has gone to fund voucher programs..., rather than to the public school system—which the Legislature is constitutionally mandated to fund thoroughly and efficiently." Long term, this leads to further defunding of Ohio public schools, **already found to be unconstitutionally underfunded in prior Ohio Supreme Court cases**—a Constitutional violation that has never been remedied.
4. Universal vouchers make **racial segregation** in Ohio schools far worse, harming the very children that the program falsely purports to help, and once again undermining the requirement of providing "common schools" spelled out so clearly in Ohio's Constitution.

The case will go to trial later this year in Franklin County.

But — let's not just sit and watch with our fingers crossed. If you live in Ohio, you can help.

How?

Most importantly, ***we need every public school district in Ohio to sign on to help this case*** (which is in their interest, because they will pay a huge price financially if what's already underway keeps accelerating).

Which is where **you** come in:

1) take a look at the [list of schools](#) who are already supportive of this landmark litigation (it's an impressive list);

2) if the school district where you live **is** on that list, thank them. Better yet, do whatever you can to draw attention to the suit and the broader damage universal vouchers are doing to public schools so that members of your community understand what is happening and *why* your school district made the wise decision to be supportive; (also, help step 3, by helping neighboring school districts do the same thing your district has);

3) if the school district where you live is **not** on that list, please advocate that **your district sign on as well**. Call, email, talk to folks you know on the school board, etc. Attend meetings. The coalition that has brought the suit has even provided a **Model Resolution** that can be presented at school boards and voted on to support this critical effort. You can learn more about how to advocate for your school board [here](#).

Again — new districts that join will be in good company. The list of school boards already on board includes red, blue and purple communities across this state. Saving public education in Ohio is truly a multi-partisan effort. Above party.

The suit is critical. All that support from all these districts helps move it forward. It makes strong legal claims.

But all this work goes beyond even a lawsuit. This also has to be about politics. Our broader goal must be that parents and taxpayers and constituents across Ohio (most of whom still believe in a strong system of public education) all wake up to the mortal threat that this voucher explosion has become—and there's no better way to begin that crucial political awakening than having a public conversation in each school district as to why it's so important that school boards express and provide support for this work.

So think of the suit as an organizing tool to bring the attention and energy this fight needs (yet does not currently have).

While you're at it, there are other ways you can help spread the word as well:

1. Be sure your Democratic **state legislative candidates**, running in 95 out of Ohio's 99 districts and all of the senate seats that are up, make this issue a central part of their campaigns; also, if you have a legislator who supports universal vouchers, flood them with the opposition you and your neighbors feel—they are undermining every public school in their/your district;
2. Invite **school advocates to upcoming meetings** you take part in to present what's happening and get people involved;
3. Add this topic as part of a **regular agenda item** on your group's meetings—the data keeps coming, so keep updating those who care;
4. Write **letters to the editor** about what's happening wherever you are. Localize the issue as much as possible. Make it about what your school has to lose if this continues. And all public schools—urban, rural and suburban—stand to lose. Share it on social media as well.

More to come, but advocating for the suit in school districts across Ohio, then taking these other steps, are practical and easy steps all Ohioans can take, right now.

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It's crunch time, folks. Do whatever you can.

(If you have any questions on getting your school board involved in the suit, or ideas on how to do so most effectively, feel free to email me at davidpepper4ohio@gmail.com)

Subscribed

Be sure everyone you know takes action...spread the word