

## **21WFMJ (Youngstown) September 5 Report—Public vs Private: Ohio law creates transparency gap for schools.**

We have been harping for years that private schools should be held to the same transparency and accountability requirements if such entities receive tax funding. (Many private schools are funded more than 50% from taxpayer funds.)

In a September 5 newscast, 21WFMJ shines light on the lack of transparency in the private school sector.

What is quite revealing in this article is the weak and unresponsive responses from some of the elected state officials regarding a solution to this substantial public policy matter.

### **Public vs. Private: Ohio Law creates transparency gap for schools**

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By **Madison Tromler**

**Mahoning Valley** - When it comes to public schools in Ohio, families and the general public have the right to access certain information, from safety policies to disciplinary actions against staff.

But getting that same information can be nearly impossible at private and parochial schools.

Under Ohio law, public schools are required to release records ranging from incident reports to internal emails if requested.

Private schools, however, are exempt and don't face the same level of transparency.

Attorney Mark Weiker, an education law expert out of Columbus, said the gap is significant.

"There's really no way for a member of the general public to know whether they're enforcing the policies in the same way, whether they're disciplining employees in the same manner," Weiker said, "It is a little bit of the Wild Wild West with private schools in that these things don't have to be documented and or produced at the moment."

While student records are confidential in both public and private schools, there's no legal obligation for private institutions to release most other records either, including day-to-day operations, curriculum, personnel files and internal decision-making.

"Things happen in private schools that aren't documented," Weiker said, "or the records that are produced from that are not produced to the public."

Even in cases involving serious allegations, access to private school records often requires legal intervention.

That's what's playing out in Youngstown, where Ursuline High School administrators and numerous student athletes face a federal civil rights hazing lawsuit and a Youngstown police investigation.

"It's really kind of this no man's land," he said, "It's very difficult to get records from a private school for a citizen who's looking into, you know, maybe a personnel issue."

Democratic State Rep. Lauren McNally of Youngstown said she plans to reintroduce legislation aimed at holding private, parochial and charter schools to the same transparency standards as public schools, especially because private schools receive millions in taxpayer-funded vouchers each year.

"We're just asking for some very basic things that protect the students on the one side and protects the taxpayer dollars on investment on the other side," McNally said.

McNally said similar proposals have stalled in the past, largely over partisan disagreements.

Local Republican Rep. Tex Fischer said private schools already release some information but agrees that certain areas, like personnel decisions involving conduct issues, may warrant further discussion.

"Private schools already do disclose a lot of information, whether it's financial information like form 990s or testing data on the Ohio Department of Education and Workforce website," Fischer said, "I think additional transparency for personnel decisions with people who may have had conduct issues in the past is absolutely a conversation worth having."

However, Fischer warned that expanding Ohio's public records law to private institutions could create costly compliance burdens.

"I do worry about the slippery slope of subjecting private entities to public record disclosure requirements because they may receive taxpayer funds," Fischer said, but added, "We should make smart steps to protect kids and make sure parents are armed with all the information they need to make them feel confident their children are in good hands."

Republican State Rep. David Thomas, who represents parts of Trumbull County, said he believes private and public schools should remain governed separately.

"I'm not aware of legislation to make private schools have the same records laws as public schools, but like a private paving company has different records laws than ODOT, for example, they are inherently different organizations," Thomas said, "Families choose private schools for what they believe is best for their children. I actually think we should make public schools more like private schools, not the other way around."

McNally said she plans to reintroduce her proposal in the next legislative session, while Fischer and Thomas indicate Republicans are divided on how far transparency reforms should go.

For now, there is no active legislation requiring private schools to comply with Ohio's public records laws.

"Which can be problematic if you're trying to do an investigation, if you're trying to find information about an employee, maybe the employee's past," Weiker said, "So it's very difficult, and because they're not legally obligated to provide those records, they typically don't."

[https://www.wfmj.com/story/53061400/public-vs-private-ohio-law-creates-transparency-gap-for-schools?fbclid=IwY2xjawMqVhRleHRuA2FibQIxMQABHs7nSG6sQWWXcyE81fGV78ZNhAmEkftx-N4XY64-2bJ9IVG0AKs1TNd6Cded\\_aem\\_CuHX0DY0f3QsLIPOGc8Zqw](https://www.wfmj.com/story/53061400/public-vs-private-ohio-law-creates-transparency-gap-for-schools?fbclid=IwY2xjawMqVhRleHRuA2FibQIxMQABHs7nSG6sQWWXcyE81fGV78ZNhAmEkftx-N4XY64-2bJ9IVG0AKs1TNd6Cded_aem_CuHX0DY0f3QsLIPOGc8Zqw)