

Testimony Before the HB9 Conference Committee Regarding EdChoice

Chairman Jones and the members of the House Bill 9 Conference Committee, thank you for the opportunity to speak with you today regarding Ohio's EdChoice Voucher program. I am James Kanable, superintendent of Lima Shawnee Local schools. I feel it is imperative to share with you my perspective on this issue that stands before you.

I do not stand here just to complain, but just the opposite, I stand here in testimony today to give a solution. This solution has already been argued in our history, but from the other side of the disagreement. As a former history teacher, I would like to give a quick summary. I have attached to my testimony a summary of the case Grove City College v. Bell.

I will not read it to you, but I will glean some key insights.

Grove City College Case:

In July, 1976, the Executive Branch department, now known as the Department of Education, required the Grove City College to file an assurance of compliance stating that it was following the Title IX regulations prohibiting discrimination on the basis of gender. The directive was based, in part, on the fact that 140 of the college's approximately 2,200 students received direct grants through the federal government's Basic Educational Opportunity Grant (BEOG) program.

The case was originally heard in the Western District of Pennsylvania. Grove City's argument was that because the school did not receive federal funding, they did not have to follow federal guidelines of Title IX. The District court found for the college. The case was then appealed to the Third Circuit of the U.S. Court of Appeals, where it was partially reversed. The case then was selected by the US Supreme Court to be heard. The college's position was supported by a 6-3 decision with key guidelines.

Grove City's position was that they did not have to follow Title IX guidelines because they were a private school, but the Executive Branch Department said they did because they were receiving federal dollars through the grants of the students who attended the college.

Key points of the decision:

1. The school had the right not to accept the federal dollars.
2. If they did accept the money, then they had to follow the federal rules. (In this case, those centered around Title IX)
3. The key components of this decision are still in effect today.

Why is this important today?

Myself and many of my colleagues do not shy away from competition or in the product produced in our fine institutions. Just the opposite, we thrive in this arena already. Using the Grove City v. Bell decision as a basis, you too have a blueprint to move forward.

With that in mind, I propose that schools that accept EdChoice or Buckeye Opportunity Scholarships in turn accept all the rules and regulations set forth by Ohio law that apply to public institutions. This would include acceptance of all applicants without exception: testing, transportation standards, EMIS reporting, staff training, and the list goes on.

If this action is taken and the playing field were the same for each school, then the parents of a child in Ohio would have the full story and a common foundation of information needed to make a qualified decision on where their child could have success.

Chair Jones and members of the House Bill 9 conference committee, thank you for this opportunity to provide input regarding Ohio's EdChoice Voucher program. I am happy to address your questions.