

HB9 Conference Committee – Nancy Nestor-Baker

Chairman Jones and members of the House Bill 9 Conference Committee, thank you for the opportunity to speak with you today regarding HB 9 and Ohio's voucher program. I am Dr. Nancy Nestor-Baker, and I'm proud to serve on the Westerville City Schools Board of Education.

I have represented the people of the Westerville school district for more than 20 years, from 1991 – 2005 and from 2012 to the present. In those years, I have witnessed the advent of state report cards and charter schools and vouchers and state takeovers and funding caps. So, when I first heard about the effort to expand Ohio's voucher program, I wasn't really surprised; however, when I learned the magnitude of the expansion, understood the details behind it, and saw the damage it would do to public school districts, I was outraged.

I'm sure that everyone here today is familiar with the saying, "The straw that broke the camel's back." In these recent days and weeks you've heard from your public education leaders and from your constituents that the expansion of vouchers is just that: the proverbial straw that would break public education's back.

During the community meetings, presentations, and conversations that we have held in the Westerville area about EdChoice in recent weeks, we have given our legislature the benefit of the doubt. We have informed our constituents that it may very well be the case that legislators were rushed to approve a budget bill, that most were unaware of the negative impact that voucher expansion would have on Ohio's public schools. Many of our constituents believe this to be the case: HB 9 is your opportunity to prove them right by taking action to stop what amounts to an assault on our public schools.

To those of us who have been around awhile, it feels as though voucher expansion is the latest layer of an ongoing effort to legislate the reduction, as well as the diversion, of financial resources away from local governmental entities. This comes at the expense of local taxpayers, which is unacceptable and unconscionable. In our Westerville community, awareness of such matters continues to grow. The sentiment of our constituents is increasingly unfavorable toward those who author, support, and vote in favor of such legislation.

The Westerville City School District passed a combined bond issue and operating levy last November. The request was significant, but necessary, and our community rallied behind us to approve the referendum, knowing full well the expense they would bear. When showing the need for additional funding, part of our efforts included educating voters on recent legislative actions that have kept millions of dollars away from "capped" districts such as Westerville, and how locally approved revenue is being diverted from communities to pay for other state education initiatives, such as charter schools.

Our constituents were shocked... and that was *before* news of the EdChoice Voucher expansion came out. As public officials, it is our duty to help our constituents see the "big picture." Recently, we did this by sharing the negative impact that flat funding in the state's latest biennium is having on our five-year financial forecast. We also showed them how expansion of the voucher program would siphon another significant amount of local tax dollars away from our schools, eating away at the operating funds they recently approved, taking dollars that they expressly approved only for support of the Westerville City Schools.

We have also shared with our community our state report card information, including background on the measures used by the state to assign its grades. Time after time, I've seen the reactions when parents and community members were told about ratings given to their neighborhood schools by the state, seen the incredulous looks as parents tried to reconcile some of those grades with what they know about their schools, heard the gasps as parents and community members realized that the measures they counted on for accuracy were anything but accurate. And, when the EdChoice expansion news came out, I heard the disbelief as people looked at the list of schools included, not just in our district but across the state. Because of our efforts to engage and inform our constituents, they know that their schools aren't failing, and they know that the measures used to derive this designation are questionable, at best. The years of high-stakes tests, changing report card ratings, and flawed formulas provide the smoke and mirrors needed for this attempt to legitimize and justify the diversion of

public funds, all in the name of educational choice. Our constituents aren't falling for it, and they certainly are intent on standing together against it.

Now, the sense is that our constituency is growing angry. And to be certain, they are tired. They are tired of expending their energy and giving up time with their families and using their hard earned money to fend off what is now being perceived as an attack on, or perhaps even a concerted effort to dismantle, public education.

Our supporters – our advocates for public education – have been making sure the electorate understands the negative impact of any voucher expansion. They've told people about how we, as a capped school district, have been receiving about \$11 million less *every year* in state funding than we should have received from the state's own formula. They've talked about how the flow of charter school funding actually takes local tax dollars away from our schools. And they've helped countless members of our community understand how all of these items continue to shift the burden of paying for public education to local taxpayers, as local dollars are diverted to fund things for which they were never intended, which the voters never approved.

When those dollars are taken away from their voted purpose, when the state does not fund the district as its own formula says it should, when the rhetoric of “the dollars should follow the child” are enacted in policy, local school districts have no choice but to adapt. There are two options: ask the taxpayers for more money or make cuts. Local tax burdens are high – and should not be made higher so that dollars can be diverted to private schools. And cuts are made in the knowledge that opportunities for children in our public schools are steadily reduced so that opportunities in private schools can be increased – in private schools that do not have to follow the same rules that are required of those whose dollars they take.

Now is not the time to impair public schools even more by siphoning away their local funding. If allowed to expand and if allowed to continue its basis in flawed data, voucher expansion will be perceived as yet another example of how the state has shunned its responsibility and shifted the burden of funding education onto the backs of local taxpayers. Given the heightened public awareness surrounding this issue, perhaps now is actually the time for our legislature to examine and correct those past actions that have caused this shift to happen.

Since learning of the efforts to expand the voucher program, one phrase has repeatedly echoed in my mind: “fruit of the poisonous tree.” Not in the sense of its use in jurisprudence, but in its universal sense, perhaps best exemplified by words from the Book of Matthew in the Bible, chapter 7, verses 17, 18, and 20. “...every healthy tree bears good fruit but the diseased tree bears bad fruit. A healthy tree cannot bear bad fruit, nor can a diseased tree bear good fruit...So then, by their fruit you will recognize them.”

The voucher expansion which was inserted into the budget bill, which led us to this hearing room today, and which continues to have its defenders is a poisonous tree. Poisonous because the determination of a “failing school” comes from data and a report card system that are routinely and publicly acknowledged to be flawed, poisonous because it thrives on a political sleight of hand that attempts to circumvent the will of the local electorate by diverting dollars legally voted for the support only of its public school system. And the bad fruit from this poisonous tree? A defilement of the system of public education, a denigration of the will of the local electorate, and a cynical manipulation of the public through knowing use of flawed data.

I am proud to be a Board of Education member, and I am proud to have been elected by our constituents to represent an institution that accepts and educates all children, that enrolls 90% of our state's children, and that comes from the healthy tree and good fruit of the public good. In my capacity as a representative of my community, I respectfully urge our legislators to refrain from expanding the current voucher program, to stop using school performance data in determining voucher eligibility, and to ensure that local taxpayers do not bear the burden of funding vouchers. And I urge the legislature to continue working toward a solution that funds Ohio's public schools thoroughly and efficiently, as required by the Ohio constitution.

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