

Chairman Jones and members of the Conference Committee on H.B. 9, my name is Anders Miller and **I am speaking in favor of S.B. 89.**

First, supporting S.B. 89 ensures all students can access a free and fair education.

Second, S.B. 89 provides time for the legislature, Department of Education, and professionals in the field to recraft how the State evaluates schools.

Before attending the Moritz College of Law, where I am currently a 2L, I taught high school English for 3 years in the Hilltop at Franklin Heights High School. When I decided to leave the classroom in favor of law school, it was to use my legal perspective to ensure the education system in Ohio works for all students. Consequently, I have been closely following this debate and thank everyone for their consideration of all perspectives during this debate. Our students deserve nothing less.

Again, **I support S.B. 89 as passed by the House because (1) it ensures all students have access to a free and fair education, and (2) provides time for the legislature, Department of Education, and professionals in the field to develop useful metrics rather than punitive grades.**

(1)

S.B. 89's current text fulfills the legislature's constitutional charge of ensuring that Ohio's students have a free and fair education.

The People of Ohio enacted Section 2, Article VI of the Ohio Constitution to ensure a "full, complete and efficient system of public education" for all students. *DeRolph v. State*, 97 Ohio St.3d 434, 435 (2002). Therefore, the Ohio constitution creates a duty in you, our legislature, to "make such provisions" to "secure a thorough and efficient system of common schools" for all students. Oh. Const. art. VI, § 2.

The People's delegates enacted this constitutional amendment to create an education system for *all* of Ohio's students. James Taylor, representing the People of Erie County, said that "the true policy of the statesman is to provide the means of education ... to *every* child in the State, the offspring of the black man equally with that of the white man, the children of the poor equally with the rich." *DeRolph* at 436 (emphasis added and internal quotations omitted). Samuel Quigley from Columbiana County said that the amendment directs the legislature to ensure funding for "a thorough and efficient system of common school education, free to *all the children* in the State." *Id.* (emphasis added and internal quotations omitted).

S.B. 89 fulfills this constitutional directive for a free and fair education system for all students. Throughout this debate, public officials from around the State have sounded the alarm about H.B. 9's local cost. I urge the legislature to listen to their fellow public officials. S.B. 89 ensures that local funding is used on local initiatives while maintaining the opportunity for students of all economic backgrounds to pursue a private option.

Alternatively, H.B. 9 harms the 1.7 million Ohio public school students, nearly 90% of all students in the State.[1] Mr. Frank O'Linn, the Superintendent for the Catholic Diocese of Cleveland, testified earlier this hearing. *See* Frank O'Linn Testimony Am. Sub. H. B. No. 9 (Feb. 14, 2020). While Mr. O'Linn seems equally dedicated to all of Ohio's children, his illustration of H.B. 9's financial impact are inaccurate. His claim that "no district's EdChoice allocations anywhere approach its net foundation funding" does not align with publicly available information. *Id.*; *see* Footnote [2]. Using uncited data, he claimed the State spends "\$9,724 per traditional public school student, while EdChoice ... averaged \$4,892," calling claims that local districts are paying for these scholarships through levies as "disingenuous." *Id.*

Mr. O'Linn needs to provide his sources because our State's data does not agree with him. The Department of Education states spending per student for FY19 was \$6,275.61, not over \$9,000.[2] Furthermore, local funding to students in private schools has harmed our districts' finances so dramatically that schools need to pass levies to cover the costs. *See* Kathleen Knight Abowitz Testimony on Am. Sub. H. B. No. 9 (Feb. 15, 2020). Mr. O'Linn claims that proponents of S.B. 89 are disingenuous, yet he fails to provide accurate citations supporting his opinion. Importantly, this information merely reflects state averages for all students in every district, not locally applicable data. To justify a statewide policy affecting all students, we must look deeper than state averages and look to Ohio's local public school officials' reports.

Schools are deeply concerned about how H.B. 9 affects our students. According to Kathleen Knight Abowitz, a current Talawanda school board member, H.B. 9 "diminishes [Talawanda's] ability ... to serve *all* children ... in [their] schools because private schools ... certainly [will] not accept *all* the students who walk through [Talawanda's] doors. They will leave behind those harder to educate, those students who for no fault of their own need more support and more educational services than other students do." *See* Kathleen Knight Abowitz Testimony on Am. Sub. H. B. No. 9 (Feb. 15, 2020). Another school district official, Jodi Sourini from Cleveland Heights-University Heights City School District, testified that due to these scholarships in their district, they are planning to pass a levy; for every student opting to take a scholarship, the school must take state funding from two other students to cover the cost. *See* Jodi Sourini Testimony on Am. Sub. H. B. No. 9 (Feb. 14, 2020).

This result is not the "thorough and efficient" funding nor ensuring an equal opportunity for a "free" and fair public-school system for "all the children of the State" as expressed by the People's delegates

when passing Article VI of the Ohio Constitution. In one district, H.B. 9's policies have already favored one private-school student over the two public-school students as it relates to funding so much that the community needs a new levy to pass. Another district is warning of that same reality if this body passes H.B. 9 over S.B. 89. Requiring the district to favor one student's private educational choice at the expense of multiple other students is inappropriate, particularly when there is a "thorough and efficient" requirement for "all the children of the State" to access a quality education. There is a balancing act between these interests, but favoring that one student just because they attend private schools at the expense of two based on invalid report card scores is unsustainable and unjust in Ohio's common education system established for all.

Accordingly, I urge you to listen to your colleagues from around the state and support S.B. 89 as passed by the House.

(2)

Supporting S.B. 89 provides time for the legislature, Department of Education, and professionals in the field to create metrics for schools that guide school growth.

School districts from around the state have been concerned about the State's "Report Card" system for a long time. As a former professional, I am part of those concerned. I want accountability in our schools. I want our professionals to have data that they can use to identify areas ripe for improvement. However, these report cards are unreliable, inaccurate, and are being weaponized by punishing "bad" schools by taking state and local funding away. Unless we believe that 2/3rds of Ohio's public schools are indeed failing as the report cards state, why would we use that metric to make such impactful financial decisions laid out in H.B. 9?

To remedy this concern, S.B. 89 replaces H.B. 9's reliance on Ohio schools' inaccurate report cards with family income to determine eligibility. Doing so ensures "the children of the poor [access common education] equally with the rich." *DeRolpb* at 436.

Moving forward with H.B. 9 would endanger Ohio's public school students by conditioning their local education on the statistically unreliable and invalid State's district report card data. In fact, most of you agree it is in desperate need of change. Rather than punishing public schools, we must help them. Our students and community do want to know how our schools are doing. We are here asking for that solution.

But most importantly, we ask that you not punish the 90% of our State's students who don't attend private school for adults' inability to establish appropriate metrics for schools. Even the private school officials recognize the inherent unfairness of the report cards when they testified that they would be unwilling to submit themselves to the current unfair report card system. *See* Tracey Armone Testimony

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on Am. Sub. H. B. No. 9 (Feb. 17, 2020) (response to Senator Peterson during spoken testimony).
Therefore, the Conference Committee must reject H.B. 9's efforts to continue using a measure claiming 2/3rds of our schools are failing. We know they are not.

Lastly, S.B. 89 allows time for the state to reassess how we evaluate schools. In shifting Ohio's report cards away from punishing, the legislature and Department of Education must involve professionals in the field. They are the ones who serve our students daily, and they will not buy into the system without their experiences and their students experiences taken into account.

Our students are counting on all of us to move past our differences to work out a fair and free system for them to grow into positive democratically engaged citizens so that Ohio can flourish.

(Conclusion)

Because S.B. 89's scholarships (1) protect the nearly 1.7 million public school students in Ohio, 90% of all Ohio students, and (2) provides an opportunity for the legislators, Department of Education, and educational professionals to recreate a fairer system of evaluating school districts, **I urge the Conference Committee on H.B. 9 to support S.B. 89 as passed by the House.**

Thank you for the opportunity and I welcome any questions.

[1] <http://www.ohiobythenumbers.com/> (There are "nearly 1.7 million public school students" in Ohio schools. There are only about 200,000 in private schools. 89% of Ohio children attend public schools.

[2]
<http://education.ohio.gov/Topics/Finance-and-Funding/School-Payment-Reports/District-Profile-Reports/FY2019-District-Profile-Report>