



Yitz Frank
Executive Director

Board

Rabbi Dovid Schnurman
President

Avrohom Adler
VP

David Malcmacher
Treasurer

Moish Tohn
Secretary

Harry M. Brown
Shaya Shtern
Menashe Weiss
Ronald S. Wilhelm
Members

Committees

Government Relations

Mendy Klein OB™M
Chairman

Adam Pollack
Vice Chair

Avi Goldstein
Dassi Shtern
Daphne Soclof
Adam Weider
Michelle Weiss
Members

Gesher

Dovid Gross
Director of Operations

Jeff Belkin
Ben Chafetz
Ari Jaffe
Pinny Landis
Bryan Farkas
Tzvi Turner
Gesher Committee

Testimony Re: Am. Sub. H.B. No. 9

To: Members of the Am. Sub. H.B. No. 9 Conference Committee

Chairman Jones, and members of the committee. I appreciate all your hard work these past few weeks and for allowing me to testify today. My name is Rabbi Eric “Yitz” Frank, Executive Director of Agudath Israel of Ohio and Chairman of the Board of School Choice Ohio.

There is a lot to say about this topic, especially after listening to so many parents of EdChoice scholars as well as public-school leaders testify this week. There are over 50,000 students whose lives have been turned upside down, overnight, while they await the decision of this body. The level of urgency here demands action, and I appreciate the amount of time you are investing in search of the best option for these students.

Many witnesses referred to the new expansion of the vouchers and referenced the recent state budget bill, as if there was a new law that caused the list of schools to “balloon” to over 1200. I want to clarify that there were no changes to what qualifies a school to be eligible for the EdChoice Scholarship Program since 2014 and the bulk of those changes were made in 2012.

In theory, “school choice” is available to all Ohioans, except that for most families, when they don’t like their assigned public school, they’re stuck. They can’t afford to move to a different district or pay for a private education. To the parent of the child who is being bullied or who feels their child isn’t a good fit in the local public school, it doesn’t matter what the district is rated on a report card. All that matters to that parent is that their child is not in the most appropriate setting for their learning needs. Continuing to enable parents to make that choice is good for kids and good policy.

There has been far too much conversation this week about dollars, formulas, and report cards. The “report card” may have problems, but it is not THE problem. There has also been far too much conversation about schools, public and private. What we must care about is providing options and mobility to the students we have a collective responsibility to serve. That is the whole point of Ohio’s school choice policies; open enrollment, charter schools, and EdChoice scholarships. It is about students and families. It is about sustaining our commitment to educate every child.

The choice in this conversation is not about public or private schools, nor whether we provide geographic or income-based choice. The choice is, do we trust parents or not?

Are parents capable of knowing which environment will be the best fit for their child, or do we only trust them when we absolutely have no other option? An allegiance to one delivery system is foolish when parents have demonstrated a demand for more options.

Nevertheless, a few facts are worth mentioning about the “House” proposal. I have no choice but to believe that there is some confusion about what the the SB 89 legislation does, based on the public statements of many witnesses and even some members of the General Assembly.

While some of the changes are arguably a step in the right direction, as the language currently stands, the effect will be a massive and unprecedented roll back in school choice opportunities for families. This has never happened in any state under Republican or Democratic leadership.

Key issues:

- As written, defaulting existing EdChoice students to the income-based scholarship program will have the effect of immediately exhausting the current line item for the coming year. The General Assembly appropriated funds and passed legislation to allow students in the high school grades to apply for an income- based scholarship (under current law) for the coming year for the first time. That line item can likely support a total of 23,000 income-based scholarships. There are currently 12,000 students using that scholarship in grades K-7. For this coming year, students in grades 8-12 will be unlikely to access the scholarship program at all because of the almost immediate exhaustion of the line item due to the default provision. More importantly it is likely that **more than 10,000 existing scholarship students will be unable to renew their scholarships**, forcing them to return to their assigned public schools at the full cost to the public.
- Even with grandfathering students and siblings, there will be no future growth in the income-based scholarship program (as passed by the House) without defining the funding mechanism to support these scholarships. Any shift toward an income based EdChoice program must be funded in a similar manner as the current EdChoice program, although, it can be direct funded in a manner that does not impact, negatively or positively, school districts. There are a variety of options of how this can be accomplished. I’m aware this is a concern of many districts and school choice advocates. It can be done.
- The House’s “phase-out” provision will create unacceptable fiscal cliffs for thousands of families and is a reduction from current law.
- In addition, an increase to 250% FPL for initial eligibility does not come close to making up for the eligibility that is being removed from hundreds of

thousands of families. The Senate's proposal to move to 300% comes closer but is by no means perfect.

- Any concerns about a massive expansion are substantially overstated. The program is statutorily capped this coming year at 60,000 seats. There are currently, 42,000 students using scholarships. The maximum growth could be 18,000 scholarships. Of that, 11,000 can come from the income-based side, leaving room for only 7,000 EdChoice scholarships. The sky is far from falling.

There are ways to make the House's "plan" work for families and students and allow additional opportunities. A solely income-based program can be acceptable if the concerns above are addressed. Arguably, an income-based program is an ideal option, but only if changes are made. Crucially, an acceptable transition period must be part of this change. There are too many families that will suffer without it.

Voting for SB 89, as currently drafted, would be a betrayal to tens of thousands of students in Ohio, and would be the first time in history that an actual reduction in eligibility of a school choice program was passed into law.

The current model of school choice is at a crossroads. Our flagship school choice program, the EdChoice Scholarship, is based on the "low performing schools" model. This program has undoubtedly increased choices for families, and, as intended back in 2005 by then Speaker Husted and the Ohio GA, raised the level of academic performance in impacted public school buildings. However, we undermined it for years, through "safe harbor" provisions. The increase in the "list" to 1200 schools, while it may seem overnight, happened over a period of six years. LSC estimated that in 2017, had "safe harbor" not existed, 860 schools would have already been deemed EdChoice eligible. "Safe harbor" was implemented at the bequest of public-school lobbyists as a period of transition away from exams (that they had lobbied to remove). Had "safe harbor" never been implemented; many public schools would have been able to take steps to improve in the areas where the report cards indicated deficiency. I have great faith in our Ohio schools, public and private alike. Not one of them would honestly tell you that they don't have any room to improve let alone that they are incapable of it. There is far too much evidence to the contrary.

While it is not the subject of today's discussion, there was a proposal in the Senate (SB 85) and House (HB 200) last General Assembly that proposed to shift Ohio's school choice programs to a means tested model. We supported this change at the time. Those proposals put careful thought into making sure there would be minimal disruption to families and increase school choice options, all while creating a direct funding mechanism that many of our colleagues in our public schools are asking for. This proposal was also opposed, at the time, by the same groups that are lobbying to reduce EdChoice opportunities today.

I am confident that this conversation does not need to be a zero-sum game. I think we all agree that parents are in the best position to identify the best schooling option for their children. We also agree that it is of the utmost importance to sufficiently fund our public-school systems. Both objectives can be accomplished if we want them to be. Few children will leave their public schools if they are being well served.

There are excellent public and private schools that are not a good fit for individual students. Conversely, there are schools that could be reasonably perceived as struggling, that are doing a great job for individual students. This is about creating options for individual families that need them. Not every family has the financial wherewithal or desire to pick up and move to Bexley, Shaker Heights, or Solon. And no family should have to.

I am happy to answer any questions.