



# ***LABRAE LOCAL SCHOOLS***

**Amended Substitute H.B. 9 Testimony as Introduced February 20, 2020  
Before the H.B. 9 Conference Committee  
Anthony J. Calderone, Superintendent, LaBrae Local Schools**

Chairman Jones, esteemed representatives and senators of the conference committee, good evening, my name is A.J. Calderone, Superintendent of LaBrae Local Schools, and I am grateful to the committee for the opportunity to offer testimony regarding H.B. 9.

Public education is an integral institution of our American democracy. It is the vehicle by which America educates the masses and closes the door to none. Through public education, millions of Americans have been able to acquire the skills necessary for pursuing their life dreams and opening up doors of opportunity. I believe in advocating for this institution, which outside of the family, is the most important institution to the survival of our democracy and society's well-being. The conservative idealist in me wishes we could return to the not so distant day where the taxpayers provided for a common public school to the benefit of the youth in the community, and if a family chose for their child to get a private education, they paid for it.

The original intent of providing vouchers to families to escape a school system that wasn't providing an adequate and equitable education is a far cry from the system it has morphed into today, one where using performance-based and income-based eligibility standards appears to have expanded the program far beyond its intended scope.

As an educator, citizen, and taxpayer, I'm opposed to increasing the amount of public dollars expended to support private education, especially when the evidence shows that almost all of the voucher dollars siphoned from public schools and taxpayers goes to faith-based schools. As established with the Lemon Test in *Lemon v. Kurtzman* (1971), it is unconstitutional for a government to sponsor a program that furthers religious education and creates an excessive entanglement between church and state. Ohio's expansion of the voucher program can't pass the Lemon Test. Furthermore, Ohio's EdChoice voucher program is a potential financial boon for private faith-based schools across the state. Many of Ohio's faith-based schools need voucher expansion to keep their doors open. Our private counterparts recognize this fact and evidence of this can be seen in how they have ardently and effectively mobilized their constituents to take advantage of the opportunities created by voucher expansion.

This is not a question as to whether faith plays an important role in our communities or questioning the judgment of parents who are making educational decisions in the best interest of their children. This is a question of how big should the program be and who is going to pay for it?

Moreover, performance-based vouchers are built upon a fallacy. The fallacy is that Ohio's public schools are failing students, thus, Ohio must offer vouchers to students to escape the allegedly low performing schools. The use of Ohio's report card to determine voucher eligibility is wrong. Many of my colleagues and public school advocates across the state have testified as such to this body over the course of the last ten days. There is strong consensus in Ohio among parents, educators, and legislators on both sides of the aisle that the system is flawed and in need of reform. Yet, H.B. 9, in its current form, continues to use a flawed accountability system to justify expansion of vouchers under the guise that students using the voucher will get a better education at a private school. A study of the aggregate testing data at Ohio private schools shows this to be false. In fact, in many cases their proficiency rates are far below most public schools across the state.

With scant accountability for private schools, how can the legislature justify such a rapid expansion of the EdChoice voucher program as called for in H.B. 166 and amended H.B. 9? If we know the system is flawed, why are we clinging to using the system as a determinant for voucher eligibility?

When public schools stress that test results are not a true indicator of how well we serve students, it generally falls on deaf ears, and we are inaccurately accused of not wanting to be held accountable. When voucher advocates express that test results are not an indicator of how well private schools serve students, it prompts action. When

voucher advocates express a willingness for private schools to admit more students on vouchers if not for the state mandated tests, again, action ensues. One needs to look no further than the H.B. 166 conference committee when budget expediency prevented a thorough vetting of the conference committee's work.

Thanks to the H.B. 166 conference committee, private schools now have the option to administer an alternative assessment for state mandated tests in grades 3-8. This further illustrates that the playing field isn't level. No such exemption exists for public schools. In fact, the perception is that the legislature thinks nothing of permitting the continuance of a faulty and punitive accountability system for public schools, but made it a priority in the conference process to provide leniency for private schools. We cling to performance-based accountability for public schools, but aren't committed to the same premise for our private school counterparts.

The truth of the matter is that for as long as we've been testing in Ohio, we know that affluence strongly correlates to higher levels of achievement. No one can dispute that correlation, yet the accountability system remains more punitive to disadvantaged communities, and in H.B. 9 it remains as a basis for eligibility in the EdChoice scheme. When we know that poverty determines achievement, and we are slow to remedy the accountability system, how can any thoughtful and logical mind find performance-based eligibility for vouchers acceptable? It is for that reason that I find the remedies in amended H.B. 9 unacceptable. Hopefully, the General Assembly can appropriately address the issue of poverty and disadvantaged students as H.B. 305 works its way through the legislature. Vouchers and school funding are inextricably linked.

Nonetheless, it was the hasty work of a conference committee that created this mess, and it is up to this conference committee to create a sensible solution. Thus, I request the committee abandon the amendments on EdChoice proposed by the Senate in H.B. 9 and amend the bill to include the House provisions incorporated into amended S.B. 89. While not perfect, S.B. 89 eliminates the performance-based vouchers, protects the families already in the system, and creates a permanent solution rather than a three year fix. Amended S.B. 89 offers a more sensible remedy to the problem than those offered in amended H.B. 9.

Again, I want to express my gratitude to the committee for conducting these very important hearings and I thank you for the opportunity to offer testimony. Lastly, I am grateful for your service to Ohio and your patience throughout these hearings, and I respectfully yield to the Chair for questions.