



June 4, 2024

House Primary and Secondary Education Committee

House Bill 407 – Opponent Testimony

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Chairwoman Manning, Ranking Member Robinson, and members of the Ohio House Primary and Education Committee, thank you for allowing me to submit testimony today. While we strongly oppose the current version of HB 407, we do support many of the objectives of the sponsors and stand ready to improve this legislation.

We greatly appreciate being able to participate in the IP meeting related to this legislation that we were invited to. At that time, we had made several recommendations to improve the intent of this legislation. Most of these recommendations are not reflected in the current draft.

Many, if not most of the data points which HB 407 wishes to collect related to testing and demographics are already required by statute and available through the Department of Education and Workforce. Any particular format or special request of data would be certainly available by request to any member of the public, certainly the legislature. We strongly oppose legislation and requirements to furnish information that the government already has.

We do take umbrage at the suggested audit requirements in this bill. Much, if not most, of the financial information required in this bill is available on a typical 990 form filed with the IRS. Ohio spends approximately \$15,000 a year on education per student, do we really think that private schools are doing the job at less than half of that amount? The facts are that the vast majority of chartered nonpublic schools supplement their educational mission with private donor funds. When you put some critical thought into this, the bill insinuates that chartered nonpublic schools are not fulfilling the educational requirements required by the Ohio Revised Code and decades of tradition. It is not a question of actual financial transparency, but an accusation of educational malfeasance. How else to explain the implication that chartered nonpublic schools are spending less than the EdChoice scholarship amount (K-8 being 6167 and K-12 being 8407) on core education and instruction and are yet being questioned about where they are spending the resources provided by its parent body and various scholarships including EdChoice scholarships? This is an extremely inappropriate accusation and is at the same time, a significant imposition on private institutions. At minimum, the legislation must make clear exactly what information it is seeking.

The bill's requirement to force all nonpublic institutions to take the same state assessment deserves some thought, and we are sympathetic to this concept. However, it must be pointed out that many private schools, who value their independence would rather not participate in the states scholarship programs than give up their limited autonomy to assess their students according to their philosophy. This would remove important educational options from Ohio students. Remember, all students in high school, and all students using an EdChoice Scholarship already take assessments that are approved by the state, and that information is publicly available.

We have heard consistent criticism of Ohio's state tests and the federal requirements that undergird them for many years. However, just because one opposes the current federally required state testing regime, should not justify applying those same hated standards to all. The facts are that the goal of an "apples to apples comparison" cannot be achieved by this alone. Comparisons are, and must be, very rigorous. The state has already proved quite adept at providing a crosswalk between various "tests" to assess performance. If apples to apples are the goal, this bill falls woefully short.

We strongly favor accountability and public information to parents. The General Assembly boldly enacted a requirement last budget to provide a publicly available growth measure, in addition to the currently available performance metrics for all students that are beneficiaries of an EdChoice Scholarship. We would suggest that this crucial metric be given time to be implemented before making any other suggestions to Ohio's complex and carefully crafted laws.