



Testimony on Ohio House Bill 407

Thank you, Chair Manning, Vice Chair Fowler Arthur, Ranking Member Robinson, and House Primary and Secondary Education Committee members for giving me the opportunity to provide opponent testimony today on HB 407.

My name is Chad Aldis, and I am the Vice President for Ohio Policy at the Thomas B. Fordham Institute. The Fordham Institute is an education-focused nonprofit that conducts research, analysis, and policy advocacy with offices in Columbus, Dayton, and Washington, D.C.

Fordham has long advocated for robust public and private school choice programs. At the same time, we've also regularly argued that quality—even in choice programs—matters. That's why the decision to testify in opposition to HB 407 was not taken lightly. While we stand here today as an opponent, we appreciate the chair's leadership on this issue and for raising some important issues that deserve robust discussion.

We agree with one of the underlying premises of the bill. Namely, parents should have relevant, high-quality information with which to make education decisions. This bill calls for a report card of some sort as a resource for parents. That concept, if not the information the bill proposes to provide, would be a good step. Right now, there isn't much easily accessed, publicly available information on private schools participating in the state's voucher programs.

However, because of HB 33, there is about to be a great new resource for parents interested in a private school. Beginning this school year, scholarship students' growth results will now be calculated and reported. This additional data point (which entails no new testing burdens) will soon provide a clearer picture of the yearly academic progress of students attending private schools. We believe some patience is warranted as this new measure is implemented. We also encourage this body to communicate with the Department of Education and Workforce (DEW) and urge them to make both the current proficiency data and new growth information easier to use and access for Ohio parents. School level academic achievement information should be available to parents interested in attending a private school using a Cleveland or EdChoice Scholarship.

Before turning to my concerns with the sub-bill, I want to briefly comment on the requirement in the as-introduced bill that would have required EdChoice and Cleveland Scholarship recipients to take the state assessment. As many of you remember, up until the 2019 school year, this was the law. Fordham—as a few of you will surely note—expressed concerns about moving from the state assessment to a nationally norm-referenced test. Nonetheless, the change was made.

While we'd still prefer students to take the state assessment, the circumstances have changed since 2019. First, as the table below shows, the number of private schools participating in the voucher programs has increased 25 percent since the testing requirement was removed. (Eligibility was increased, too, though so we can't establish causality.)

Table 1: Private school participation rates in EdChoice

	2018	2019	2020	2021	2022	2023	2024
	State testing		Test flex & expanded eligibility			Flex + univ	
<i>N</i> participating schools	470	472	479	519	521	529	590
<i>N</i> total private schools	707	706	707	707	705	712	711
School participation rate	66.5%	66.9%	67.8%	73.4%	73.9%	74.3%	82.9%

Source: Ohio Department of Education and Workforce, [scholarship payment files](#) (participating schools) and enrollment data (total private schools). Scholarship payment data are not yet available for FY24. This table displays the spring part of the school year (e.g., 2017–18 = 2018). From 2019–20 to 2022–23, Ohio steadily expanded eligibility for EdChoice (largely by raising the income-eligibility threshold), and in 2023–24, the state made eligibility universal (no income restriction, though the EdChoice amounts are scaled back for high-income households).

What percentage of private schools would no longer participate if the testing requirement was changed? How many students are being served in those schools? They are important questions when determining the potential opportunity cost of this shift. Before simply reinstating the testing requirement, these questions should be answered.

While the sub-bill made a significant number of changes, there are a couple of provisions that we strongly believe should not be included.

First, the bill requires a nonpublic school to report its capacity limits by grade level, building, and education program. This language doesn't increase accountability. There's no requirement in law for a nonpublic school to fill every seat or prohibition from increasing a class size from 25 to 28 to accommodate a few more students. You know who doesn't have to report this data, traditional public schools—at least not in a manner that's publicly available. My guess is that this language was designed to subtly imply that nonpublic schools aren't taking applicants even though they have the capacity. If so, this seems like an opportune time to remind you that eighty percent of school districts in Ohio participate in open enrollment. The twenty percent that don't are largely surrounding the state's urban districts. If we're going to suggest that nonpublic schools are only taking some students then we should definitely expand our analysis to traditional public schools who—despite their rhetoric—don't take all students.

Second, the publishing of income data in narrow bands for EdChoice Scholarship recipients is excessive and again will do nothing to increase accountability. It's a data point that school choice opponents want to use to make public policy arguments. Namely, that EdChoice is being used disproportionately by wealthy people. That's fine, but we should be honest about it. What's lost on opponents is that a very wealthy person living in Upper Arlington will have \$17,600 taxpayer dollars supporting their child's high school education. The same parent, sending their child to Bishop Watterson, would receive about \$800 in taxpayer support. Yet, the desire remains to profile and call out when wealthy families receive a little bit of public support to offset the cost of a nonpublic education.

So, why do two provisions remain in a private school choice accountability bill when they would do little to improve accountability?

The advocates pushing hardest for the bill in public testimony are the district school boards, superintendents, treasurers associations, and both teachers unions—the entire public-school

establishment. These longstanding opponents of private-school choice all plugged some variation of the argument that more regulation is needed to “level the playing field” and to help parents access more information about private schools. Here’s the thing, I’ll go out on a limb and say that whatever accountability changes you made, they will still not support private school choice. Many of the suggestions, in the as-introduced version and sub-bill, would seek to rein in choice and create talking points for future advocacy.

If it was about a level playing field, you might hear advocates argue that once these changes are made private school choice should be funded equitably. I missed that in their testimony. If it was about parent rights, you’d see them drop the lawsuit challenging the legality of the EdChoice Scholarship program. That hasn’t happened.

If you want to improve accountability in this program, lawmakers should start the conversation with nonpublic school advocates and parent groups. How can we identify bad actors? Where are the weaknesses and potential areas for waste, fraud, or abuse? What do parents want to see when selecting a private school? How can DEW make that information more accessible?

This is an important issue that deserves thoughtful consideration. Fordham is pleased to work with the committee to find a framework that both supports accountability and helps parents find and access great schools. Thank you again to the chair for starting this conversation.

I’m happy to answer any questions that you may have.