THE BUCKEYE INSTITUTE

Transforming Vacant Schools into Centers of Learning

Interested Party Testimony
Ohio Senate Education Committee
Ohio Senate Bill 311

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As Prepared for Delivery

Chair Brenner, Vice Chair Blessing, Ranking Member Ingram, and members of the Committee, thank you for the opportunity to testify regarding **Ohio Senate Bill 311**.

My name is Greg R. Lawson. I am a senior research fellow at **The Buckeye Institute**, an independent research and educational institution—a think tank—whose mission is to advance free-market public policy in the states.

It should come as no surprise that The Buckeye Institute supports placing students, not systems, at the center of education policy. For too long, structural and regulatory frameworks have prioritized preserving existing institutions over expanding high-quality options for families. Ohio has made significant improvements through scholarship and charter school reforms, but those opportunities diminish when schools cannot physically open, expand, or operate in communities where demand exists.

Educational choice must be more than theoretical. It must be practical and accessible.

Across Ohio, many districts face **enrollment declines**. As enrollment decreases, so do building utilization rates. Current law and policy require school districts to make un- and under-used facilities available to high-performing public charter school operators—a requirement that **is not met all too often**. Senate Bill 311 appropriately strengthens and clarifies the statutory framework governing the disposition of district property. The bill improves transparency and ensures that unused assets are not effectively warehoused when they could be repurposed for families seeking educational alternatives.

Importantly, Senate Bill 311 extends eligibility in the facility disposition process to chartered nonpublic schools, so that all qualifying education providers, not just traditional districts, may purchase or lease underutilized property. This is a significant and necessary reform. If a building was constructed and maintained for educational purposes, it should remain available for educational use whenever possible.

Equally important are the bill's new reporting and transparency requirements directing every school district to report to the Department of Education and Workforce: any real property that qualifies as "totally unused"; enrollment data for buildings operating at less than 60 percent of capacity; and current enrollment figures for every school building the district operates. Each year, the department must publish a comprehensive statewide list of unused school facilities on its website.

This reporting structure is transformative. For the first time, Ohio will have a centralized, publicly accessible inventory of unused district facilities. That transparency will benefit taxpayers, policymakers, and education providers. It will ensure that communities know which publicly funded assets are sitting idle, help hold district officials accountable for spending taxpayer dollars on underused buildings, and give charter and nonpublic schools the information necessary to plan responsibly for expansion.

Senate Bill 311 addresses another perennial problem associated with local zoning processes that being used to block or delay the establishment of schools operating outside the traditional district system. In some communities, zoning boards have denied applications or imposed burdensome conditions simply because the applicant was a charter or nonpublic school. The recent **backlash in Toledo** exemplifies the public's frustration with bureaucratic boards undermining parental choice, distorting property rights, and protecting incumbents at family and student expense.

To correct this problem, Senate Bill 311 clarifies that county, township, and municipal zoning authorities may not prohibit or restrict the location of a public or nonpublic school in a zoning district and may not deny a land-use application solely because the applicant intends to operate a school. This commendable clarification broadly aligns with fundamental principles of property rights and equal protection under the law. It does not exempt schools from legitimate health and safety standards but confirms that all schools—whether public or nonpublic—are legitimate community-serving institutions rather than as undesirable land uses.

Removing unnecessary barriers to facility access is a commonsense reform that empowers parents, encourages innovation, and ensures that local politics and bureaucratic inertia do not limit educational opportunity. Giving students more options, transforming vacant buildings into active learning centers, and prioritizing families over systems, will help improve Ohio's education landscape by providing opportunity and excellence for all.

Thank you for your time and attention. I would be happy to answer any questions that the Committee might have.

About The Buckeye Institute

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