

Social Policy: Primary and Secondary Education

State Board and Department of Education

(Adopted January 1983)

1. The League of Women Voters of Ohio supports the continuation of a State Board of Education which should be elected rather than appointed.
2. The primary responsibility of the State Board of Education should be policy making/planning.
3. The primary responsibilities of the State Department of Education should be administrative and regulatory.
4. The LWVO identifies two main areas of State Board of Education operations that need improvement: communications and management of responsibilities.
 - a. Improved direct communication is needed between the State Board of Education and the public, educators, and the legislature to increase public awareness and State Board of Education visibility.
 - b. State Board of Education responsibilities should be reduced and priorities set so that the Board can function effectively and efficiently as a policy making/planning body.

State Education Standards

(Adopted January 1984; updated May 1995)

LWVO supports:

1. The use of state education standards as a method of “requiring a general education of high quality.”
2. Compliance with the same state standards by all chartered schools.
3. The establishment of guidelines for granting any exceptions to the state education standards by the State Board of Education for “good and sufficient reason.”
4. The development of a timely, open process for the evaluation and improvement of the state education standards. Standards should include appropriate multiple forms of assessment.

Education Finance

LWVO supports the following principles as the role of the state in funding elementary and secondary education in Ohio:

1. LWVO supports a funding system for public elementary and secondary education that is accountable and responsive to the taxpayers. LWVO believes that public funds should be used only for public schools. (Adopted May 1994)
2. LWVO supports a guarantee by the state of a realistic level of per pupil expenditure in all school districts, including compensatory education programs where needed. (Adopted March 1969)
3. The equalizing function of the distribution formula for Foundation Basic Aid should be enhanced by decreasing the use of Basic Aid Guarantees. (Adopted January 1985)
4. Additional state education funding to school districts should be allocated primarily through Foundation Basic Aid, as these moneys are unrestricted in use. (Adopted January 1985)
5. State aid should be distributed to compensate for variations among school districts in their ability to raise local revenue to fund education. (Adopted May 1991)
6. The state aid formula should be calculated to reflect the effects of the tax reduction factor on the amount of revenue school districts can raise through property taxes. (Adopted May 1991)
7. The state aid formula should be calculated to reflect income wealth of school districts. (Adopted May 1991)
8. The state aid formula should be calculated to reflect:
 - a. the actual costs to school districts for state-mandated programs;

- b. meeting the educational needs of the children within the district;
 - c. consideration of the economic/geographic characteristics of school districts statewide. (Adopted May 1991)
9. The state should be able to assist school districts in capital improvements and building construction to comply with appropriate codes in order to ensure health and safety. (Adopted May 1991)
 10. Tax revenue from commercial/ industrial/ mining/ public utility property should be distributed to compensate for variations in taxable wealth among school districts. (Adopted May 1991)
 11. The General Assembly should establish a method to minimize fluctuations in state funding for elementary and secondary education programs. (Adopted May 1991)
 12. The state share of the cost of pupil transportation should be separated into two budget line items: public and nonpublic. (Adopted January 1985)
 13. The functions and operations of the county school system should be evaluated for possible action by the State Board of Education and/or the legislature. (Adopted January 1985)

LWVO supports the following principles for the role of the local community in financing elementary and secondary education in Ohio:

1. Individual school districts should be required to assume a reasonable share of the financial burden and should retain the option of increasing per pupil expenditure beyond this level through local taxes. (Adopted March 1969)
2. School districts should be participants in the decision-making process when tax abatements are being considered. (Adopted May 1991)

Background: Primary and Secondary Education

LWVO involvement and advocacy on education issues date back to the 1930s when LWVO supported the first state foundation program to fund schools. In 1967-69 LWVO studied education in a series on state financing of major services. Positions were reached on education standards, resource centers, district boundaries, and financing. These positions were reviewed in 1977 at Convention, and only the funding positions were retained.

The roles of the State Board of Education and the Department of Education were the focus of LWVO studies during the 1980s. At the 1983 Convention LWVO approved a study of state minimum standards and school finance. As a result of these studies LWVO adopted positions on an elected State Board of Education, state minimum standards, and school finance. The high number of local Leagues participating in these studies and three consensus efforts demonstrated strong member interest.

Delegates to the 1989 Convention voted to study the roles of state and local government in financing primary and secondary education. The two-year study produced *Financing Education in Ohio*, a highly acclaimed comprehensive book, which was used by League members to educate citizens and policy makers on this subject. Member interest and participation were high, and in 1991 several new positions on school finance were adopted.

In 1994 local Leagues concurred with an emergency program measure to update a position stating that public funds should be used only for public schools that are accountable to the public. At the 1995 Convention LWVO positions on education standards were revised as a result of a two-year update. A statement that supports including multiple forms of assessment in state standards was added.

At State Convention in 2009 delegates approved a study of Education Finance. A statewide committee was formed to identify information for Leagues to use to update members about local and state school funding issues, and several Leagues created observer corps to cover boards of education meetings.

From the mid 1990s through 2011 LWVO has advocated for a constitutional system for funding preK-12 education; the elimination of education vouchers for private schools; changing charter school laws; and strengthening the accountability of all schools to the public. During this time the Ohio General Assembly approved legislation in support of four voucher programs and charter schools, which are privately operated public schools, and implemented some changes in school funding to address the directives of the Ohio Supreme Court in the four *DeRolph v State of Ohio* school funding decisions issued between 1997-2002.

Status of Financing Ohio's Schools

During the 1990s a coalition of education organizations joined together to form the Ohio Coalition for Equity and Adequacy for School Funding. This organization filed a lawsuit in 1991 in the Perry County Court of Common Pleas challenging the constitutionality of Ohio's system of funding schools. After a number of appeals and decisions, the Ohio Supreme Court in 1997 found the state's system to be unconstitutional in *DeRolph v State of Ohio* (DeRolph 1). In response to the decision in DeRolph I LWVO sponsored a series of statewide meetings on proposed school funding remedies, and partnered with WOSU in Columbus to present a statewide televised town meeting on school funding in Columbus in February 1998.

In 1999 and again in 2001 LWVO filed amicus briefs supporting the League's position that the state had not complied with the Ohio Supreme Court's directives in DeRolph I and DeRolph II (2000). Few changes were made by lawmakers to address the unconstitutional issues identified by the Court, even after the Supreme Court issued two other decisions in favor of the plaintiffs, DeRolph III (2001) and IV (2002).

LWVO was invited in 2002 to join a steering committee led by the Ohio School Boards Association to seek a remedy to resolve the school funding issues. As this group was meeting Governor Bob Taft formed a Blue Ribbon Commission on Financing Student Success. This commission issued several recommendations regarding financing K-12 education, but only a few were implemented, and the controversy around school funding continued.

Then in 2006 a new consortium of education organizations called "Getting it Right for Ohio" formed. In February 2007 this consortium proposed a constitutional amendment on school funding, and started to gather signatures to place the amendment on the ballot. LWVO did not take any action on this proposal, which never reached the ballot, but continued to testify, issue action alerts, and inform the public of the merits of several proposed school funding plans, including a plan developed by the State Board of Education's Task Force on School Funding.

Beginning in 2008 LWVO participated with other education/child welfare organizations in discussions about financing Ohio's schools and reforming Ohio's education system led by Governor Ted Strickland. Several LWVO members attended Governor Strickland's statewide "Conversations on Education" and recommended ways to improve funding for schools based on LWVO positions. These discussions led to the development of Governor Strickland's education financing and reform plan called the Ohio Evidence-Based Model (EBM).

The EBM included a comprehensive revision of state law regarding school funding; teacher preparation, licensure, and tenure; state academic content standards; student graduation requirements and state assessments; and new spending and reporting requirements for schools and school districts. LWVO issued

resolutions at the 2009 State Convention and action alerts supporting the EBM provisions that aligned with our positions.

However, due to the lack of funds lawmakers were not able to include all of the EBM provisions in the 2010-11 budget bill, Am. Sub. HB 1, but directed that the plan be phased-in over the next ten years to delay its cost. In fact, declining state revenues, as a result of the changes in Ohio's tax structure in 2005 and the 2008-9 recession, led to a budget crisis in July 2009. LWVO adopted a resolution at the 2009 State Convention and joined other statewide organizations to urge lawmakers and Governor Strickland to consider tax increases to raise revenue to balance the state budget and support needed state government services, including education. The General Assembly eventually approved a controversial budget on July 13, 2009 (Am. Sub. HB1), but many of the provisions included in the EBM were not fully funded.

Republican victories in the 2010 election led to Republican control of the governor's office, Ohio House, and Ohio Senate. The new administration, led by Governor John Kasich, steered through the General Assembly in July 2011 a balanced state budget (Am. Sub. HB153), that addressed a projected budget deficit of \$6-8 billion, and reduced overall funding for schools by \$780 million. The budget bill eliminated the Evidence-Based School Funding Model, establishing a temporary school funding formula for FY12, with the intent to develop another new school funding formula for FY13. The budget bill also scaled-back for two years the reimbursements that schools were receiving for revenue lost when the tangible personal property taxes and kilowatt hour taxes were eliminated, and made a number of changes that expanded voucher programs and charter schools.

Am. Sub. HB153 also included significant changes in Ohio's accountability system for schools by creating a new ranking system for schools and consequences for low-ranking schools, and a new pilot program to evaluate teachers based, to some extent, on student achievement. The State Board of Education was also required to develop standards to determine how schools rank according to how they spend money for instruction, administration, and operations.

Public Funds for Public Schools

In 1995, the League joined the Coalition for Public Education (CPE), a group of education and citizen groups opposed to diverting public funds for education to nonpublic entities. The CPE filed a lawsuit the same year that challenged the constitutionality of the Cleveland Scholarship Program. This program allows eligible students in the Cleveland Municipal School District to attend private schools using public funds to pay tuition. The program was found constitutional by the Ohio Supreme Court, but unconstitutional in December 2000 by the U.S. District Court for the Northern District of Ohio and by the 6th U.S. Circuit Court of Appeals in March 2001 (*Zelman v. Simmons-Harris*). The federal court found that the program violated the First Amendment, which prohibits the establishment of religion by the State. This decision was appealed to the U.S. Supreme Court, which found the program constitutional on June 27, 2002.

Even with this set back, the League and other proponents of public education have continued to oppose the use of public funds to support private schools. In addition to the Cleveland Scholarship and Tutoring Program, the League opposed the use of public funds for auxiliary services and reimbursement of nonpublic schools administrative costs; the Autism Scholarship Program, the Educational Choice Scholarship Program, and the Special Education Scholarship Program, which became law in 2011.(Am. Sub. HB153)

In 2001 the League also joined in a lawsuit, *Ohio Congress of Parents Teachers, et. al. v State Board of Education, et. al.*, challenging the constitutionality of charter schools, which are known as community schools in Ohio. This lawsuit was filed in the Franklin County Court of Common Pleas by the Coalition for Public Education (CPE) in May 2001. The lawsuit alleged that the state's community school program violated the state constitution because community schools were not held to the same standards as public schools; were not administered by elected boards of education; and local property taxes were diverted to

private operators without voter approval. The suit also alleged that the state has failed to enforce current law governing community schools' contract obligations, and had allowed private schools to convert to community schools in violation of state law.

After several lower court rulings, the case was appealed to the Ohio Supreme Court. In a 4-3 decision the Justices ruled on Oct. 25, 2006 that the state law authorizing establishment and operation of community or "charter" schools is constitutional, but left open several other legal challenges before the lower courts regarding the compliance of charter schools with current law and rules.

Efforts to improve the accountability of charter schools (both academically and financially) have continued over the past twelve years. The League has testified on several bills to strengthen laws pertaining to charter schools, and at least one provision, which authorized the Ohio Department of Education to have oversight over all charter schools sponsors, has become law.

Outlook: Primary and Secondary Education

The League will continue to advocate individually and with coalitions when appropriate for a constitutional school funding system, and laws to eliminate vouchers for private schools, create an all-elected State Board of Education, improve charter school accountability, and support a stable school funding system that doesn't change from year to year.

As policy makers explore ways to make schools more efficient and effective, questions have been raised about consolidating Ohio's 613 school districts, expanding the role of Educational Service Centers to improve school operations, privatizing the Ohio Lottery, increasing the number of video slot machines to raise funds for schools, and more. The complexity of these issues and other education issues provides the League with opportunities to inform and engage citizens, and to work with policy-makers, stakeholders, and the public on ways to improve communication about Ohio's education system, and on ways to improve Ohio's laws to ensure that all children have access to the highest quality of educational opportunities to prepare them for careers, life, and citizenship.

