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Voucher advocates denounce “Safe Harbor” impact on EdChoice school list

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When the list of schools whose students are eligible for Ed Choice vouchers is released next month, it will be the first of the next few that won't be updated based on state report card results - a development that is frustrating supporters seeking a quicker expansion of the state's voucher program.

The only schools to be added to the next eligibility list will be from the Youngstown City School District, which is operating under new Academic Distress Commission laws (HB 70), Department of Education spokeswoman Kim Norris said.

Other schools that otherwise might qualify due to poor performance were not considered because of "safe harbor" law changes that prevent their report card scores from counting against them. Those changes were enacted in anticipation of lower scores due to revised standards.

The protections for this school year were created in the mid-biennium review budget (HB487, 130th General Assembly) and the most recent spending bill (HB 64) extended them to the next two school years as districts get accustomed to new standardized exams and report card contents.

Districts were supportive of the provisions that hold them harmless from report card grades that are expected to be lower as the standards are revamped. However, school choice advocates have been working to ensure that this year is the last for which scores aren't used to determine Ed Choice Scholarship eligibility.

As a result of the safe harbor extensions added to the House's version of the budget, new schools won't be added to the list until the 2020-2021 school year, School Choice Ohio Legislative Director Jason Warner said.

"By enabling safe harbor and basically freezing this list where it is for this extended period of time we're not only precluding schools that are trending downward from being added to the list and enabling students the opportunity to be able to take advantage of the voucher programs, there are also, I'm sure, public school buildings that are out there that are trending upwards that are improving that are doing better that safe harbor is keeping on the list," he said in an interview.

"We believe that there should be a means of being able to take a look and see where schools are improving through this process."

The Senate agreed with those who testified on the topic, including Mr. Warner, that report card grades should be used to determine voucher eligibility. Although it removed the budget provision that extended safe harbor to the program, the House's provision was ultimately reinserted in the conference report.

Rabbi Yitz Frank, the Ohio Director for Agudath Israel of America, said he made it clear in petitioning the Senate to remove the provision that adding a school to the Ed Choice program should not be considered a sanction.

"We want as many kids as possible to have as many quality options and I think the Ed Choice program provides existing private schools with proven track records," he said in an interview, adding there is no formal proposal interested groups plan to present to the legislature, but "we will continue talking to people and make sure they understand how important it is the kids have the choices they need."

"I just don't think that that's the right thing to be doing for kids," Mr. Frank continued, referring to the law the keeps schools off the scholarship list.

Conversations have continued with lawmakers in hopes that they will change the statute to allow for Ed Choice list updates in time for the next school year, Mr. Warner said. It is his goal to see a bill that would do just that on the governor's desk before summer break.

He "can certainly understand and respect the concerns that are out there," about giving students the option to leave their home school and attend a private school with vouchers, he said, adding that it's important to note that schools must receive Ds or Fs on the report card for two out of three years before their students are eligible for the program.

"One bad report card was not going to instantly add all these new schools to the Ed Choice list and I can't exactly see that these test scores are going to be so atrocious that you're going to see a school that received an A on the report card last year receive a D or F on the report card this next year," he said.

"I think (extending safe harbor to Ed Choice) was a bit of a move to the extreme on what the possibilities of happening there were," he added.

Approaching the program as a punishment for schools that aren't performing well academically is also a step in the wrong direction for student choice, Mr. Warner said.

In previous years, the legislature has validated the importance of students being able to choose schools that best fit their needs, whether they currently attend a low-performing school or not, by increasing Ed Choice scholarships for low-income students and individuals with disabilities, he said.

"We're no longer limiting it to the idea of it solely being about building performance...and so the notion that somehow Ed Choice is something that should be viewed as a sanction or as a punishment just goes against everything that we're working to promote here," Mr. Warner said.

Based on the list of eligible schools that will be released in January, parents can begin submitting scholarship applications on Feb. 1, according to ODE.