

The Ohio Coalition for

Equity & Adequacy

Of School Funding

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Ohio Charter School Law Not In Accord With the Constitutional Provisions for Public Education In Ohio

Many national and state education organizations supported the charter school movement when it first started. The support was predicated on the concept that charter schools would be sponsored by elected boards of education. This strategy would allow local groups of teachers and/or citizens to enter into a contract with their elected district board of education to establish an innovative school. Some of the mandates and regulations would be waived to permit experimentation and creativity in an attempt to improve educational opportunities and accumulate superior results. Although different, these schools would be accountable to the elected board of education and thus to the taxpayers of the school district. Their uniqueness would not relieve them of fiscal responsibility and educational accountability.

Ohio charter school law is foreign to the original concept of charter schools. The Ohio law fosters the establishment of privately operated schools that are not accountable to the taxpaying public and that drain hundreds of millions of dollars from Ohio school district's budgets. Under Ohio law, private non-profit organizations can serve as sponsors of charter schools. However, the private non-profit groups then enters into a contract with for-profit management companies to entirely operate these Ohio charter schools. These "contract arrangements" allow the flow of tax dollars assigned to Ohio local school districts to be siphoned off by "sponsors" and for-profit charter school operators that have no accountability whatsoever to the Ohio taxpayers. Charter school operators use tax monies but are freed from many laws and regulations along with the burden of passing any local property tax issues to maintain their operations. Ohio charter school law is an egregious public policy that should be repealed.

Ohio lawmakers have actually enacted into Ohio law a second system of education that is contradictory and inconsistent with the Ohio constitutional provisions for public education. Sections two and three of Article VI of the Ohio Constitution provide that the state is responsible to secure a thorough and efficient system of public common schools that are organized, administered and controlled through school districts operated by elected boards of education. Those sections are:

Section 2—School funds

“The General Assembly shall make such provisions, by taxation, or otherwise, as,...,will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of the state.”

Section 3—Public school system, boards of education

“Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds; provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.”

Through the DeRolph school funding decisions, the Ohio Supreme Court has clarified that there is only one Ohio system of public education, which is not municipal, not local but statewide; therefore, the state is responsible for securing a thorough and efficient system of public education. Organization, administration and control of the public school system is envisioned through school districts—“provided, that each school district...and provision shall be made by law for the exercise of this power by such...” elected boards of education. The Ohio constitutional provisions contemplate the delivery of public education services through school districts managed by elected boards of education.

Charter schools that are not sponsored and monitored by an elected board of education are outside the public school system authorized by the Ohio Constitution. Ohio taxpayers need to be concerned about paying for a system of education that is beyond the constitutional limits and is not accountable whatsoever to the taxpaying public. Additionally, all citizens should be concerned about the dismal academic results demonstrated by a major portion of the Ohio charter schools.

The constitutionality of Ohio’s charter school law is being challenged by the Coalition for Public Education. However, citizens need to contact their school district officials to learn about the charter school drain on their local school district’s budget and then express their concerns to the Governor and area legislators.

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