



A CASE STUDY

# How The Buckeye Institute Expanded School Choice to Every Child in Every Family in Every Community in Ohio



THE BUCKEYE INSTITUTE



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## A CASE STUDY: THE CHALLENGE

When The Buckeye Institute opened its doors in 1989, millions of Ohio families were forced to accept an education system that would do anything to protect its monopoly on funding even as some schools—mainly in Ohio’s inner cities—were failing students and education outcomes were declining. Something had to change to ensure that every child in every family in every community in Ohio had access to the education setting that best met their individual needs.



# How The Buckeye Institute Expanded School Choice to Every Child in Every Family in Every Community in Ohio

## A CASE STUDY: THE APPROACH & THE RESULTS

Since 1989, The Buckeye Institute has focused on empowering parents, expanding school choice, and reforming the state's education bureaucracy to hold schools accountable for student achievement.

To achieve these goals, The Buckeye Institute worked with lawmakers to launch the first school choice program in the nation—the Cleveland Scholarship Program—and then built upon that inaugural program's success to expand school choice to all Ohio families. The result of Buckeye's tireless work on this issue is that every child in every family in every community in Ohio now has access to the education setting that best meets their needs.

To further the gains won, Buckeye continues to conduct cutting-edge policy research on school choice and education reform and advocates effectively for policies that ensure Ohio's students can meet the challenges of college and career.

### **Bringing School Choice to Ohio (House Bill 117 - 1995)**

The Buckeye Institute is a recognized and historic leader in Ohio's school choice movement, advocating for parents' rights to choose the best educational setting for their children. Through its ongoing independent research and coalition building, Buckeye was instrumental in creating the nation's very first school choice program—the Cleveland Scholarship and Tutoring Program. The **turning point** happened in 1994 when The Buckeye Institute partnered with Democratic Cleveland City Councilwoman Fannie Lewis to convene the **Summit on Vouchers** in the basement of a church in Cleveland's Hough neighborhood. This Buckeye Institute-organized event served as a catalyst, rallying hundreds of determined parents and stakeholders who had long grappled with the alarming state of Cleveland's public school system. These amazing and dedicated parents and students mobilized to compel elected representatives in Columbus to consider their urgent plea for school choice. As the debate over the Cleveland Scholarship and Tutoring Program raged in the General Assembly, The Buckeye Institute was influential in providing expert testimony and academic policy research to legislators and staff in the governor's office. Buckeye's enormous efforts were successful when Governor George V. Voinovich signed House Bill 117 into law on June 26, 1995, creating the groundbreaking Cleveland



Scholarship and Tutoring Program and ensuring parents had the right and the resources to choose the best education setting for their children. Three years after Ohio created this first-of-its-kind program, The Buckeye Institute's report, ***Giving Choice a Chance: Cleveland and the Future of School Reform***, recognized the need to include important stakeholders like parents and their kids in the fight for educational choice. As a result of Buckeye's continuing efforts, nearly 77,000 students stuck in Cleveland's failing school could then access scholarships, which gave them greater educational opportunities.

Unsurprisingly, Ohio's entrenched special interests refused to accept the voice of parents in deciding how and where their children went to school, and they challenged the new program in court. On June 27, 2002, the U.S. Supreme Court issued its landmark ruling in ***Zelman v. Simmons-Harris***, delivering a resounding victory for Ohio's families and students and validating the fundamental principles of parental choice and educational opportunity. Central to the program's legal victory was **research** conducted by The Buckeye Institute, which Justice Sandra Day O'Connor invoked in her **concurring opinion**.

#### **Creation of Ohio's First Charter Schools (House Bill 215 – 1997)**

Building upon the victory of the Cleveland Scholarship and Tutoring Program, The Buckeye Institute next focused on establishing charter schools to give Ohio's families greater choice. The Buckeye Institute understood how competition gave thousands of Ohio's children and families new opportunities for academic achievement and hope for a brighter future. Working with State Representative Sally Perz, Buckeye rallied public support to create charter schools—a transformative change to expand school choice options for Ohio families. Buckeye's compelling **Issues & Ideas** series was crucial to building support among legislators, educators, and community leaders for this visionary policy. Signed into law on June 30, 1997, House Bill 215 marked the creation of Ohio's first public charter schools and opened new avenues for Ohio's families to choose where to send their children to school. On the 10<sup>th</sup> anniversary of the House Bill 215 passage, The Buckeye Institute **reflected** on the program's success, pointing out that charter schools outperform traditional public schools, don't siphon taxpayer funds from public schools, and face the same accountability as traditional public schools. Today, as a result of Buckeye's work, hundreds of public charter schools serve more than 100,000 students across Ohio.

#### **Saving Taxpayer Dollars on School Construction & Improvement Projects (Senate Bill 102 – 1997)**

With the Ohio Supreme Court **decision** in *DeRolph v. State*—requiring the state to do more to improve school buildings—Ohio lawmakers debated funneling hundreds of millions of



taxpayer dollars into building repairs and construction. The Buckeye Institute knew there was a commonsense solution that would save taxpayers millions of dollars. By exempting school building construction and improvement projects from Ohio's prevailing wage requirement—which forces taxpayers to pay more for building projects than is common at the regular going market rates available to the private sector—fewer taxpayer dollars would then go even further. The Buckeye Institute took its **independent research** to lawmakers to make the case for exempting school construction projects from these taxpayer-funded special-interest perks. Through testimony and countless meetings with legislators, Buckeye demonstrated that Ohioans could save 10 to 40 percent on each school construction project by adopting this strongly-advised policy. Buckeye's research was instrumental in convincing lawmakers to change Ohio's prevailing wage law, and Governor George V. Voinovich ultimately signed Senate Bill 102 into law on May 20, 1997.

### **Expanding School Choice Statewide (House Bill 66 – 2005)**

Building upon the success of the Cleveland Scholarship and Tutoring Program, The Buckeye Institute—working with a growing number of school choice advocates in the state—turned its attention to expanding school choice statewide. Armed with more than 10 years of independent research, including its landmark 1998 report, ***Giving Choice a Chance: Cleveland and the Future of School Reform***, Buckeye and its school choice partners had the empirical evidence to show that school choice benefited students and **did not financially harm traditional public schools**—an oft-used but false claim by entrenched special interests opposed to giving families a choice on where to educate their children. Working directly with allied organizations, partners, parents, and students, Buckeye demonstrated that expanding school choice was the best policy for Ohio's students and put students first. House Bill 66, creating Ohio's EdChoice program, was signed into law on June 30, 2005, allowing the families of more than 100,000 students to choose the best educational setting for their students.

### **Preparing for the Next Phase of School Choice Expansion (2007-2011)**

After expanding school choice statewide, Ted Strickland, a vocal opponent of giving parents a say in their child's education, was elected governor of Ohio and advancement on school choice expansion came to a grinding halt. The Buckeye Institute's work carried on undeterred. Buckeye's policy experts knew that further expansion of school choice would require credible, independent, empirical research proving the benefits of school choice. Over the next four years, Buckeye doubled down on its focus of conducting sound research and consolidating and capitalizing on the significant success of its earlier policy victories. Buckeye's research **dispelled the myths** of charter schools and outlined their **financial impact**. It looked at how special needs scholarship programs across the county



were **helping families** and how school choice benefited **low-income** and **minority** families. Buckeye's work also **stopped** Governor Strickland's attempts to roll back earlier school choice victories by outlining the **achievements of charter schools** and the **facts about school funding**. The Buckeye Institute wasn't merely defending its previous victories, it was also making an indisputable case for future progress by outlining how school choice **empowered families**, how it helped **hold traditional public schools accountable**, how a funding model where education dollars followed the student **benefited students and taxpayers**, and how a **child-centered funding model** ensured that all children had the same educational opportunities and the equal resources to obtain them.

### **Shining a Light on Teacher and School Officials Salaries (2010)**

U.S. Supreme Court Justice Louis Brandeis once wrote, "Sunlight is said to be the best of disinfectants." With this quote in mind, The Buckeye Institute launched its innovative K-12 public school salary database so Ohioans could see precisely how much of their tax dollars went toward paying school board members, administrators, teachers, and other school employees. Buckeye's salary database served as the first significant government transparency initiative in Ohio and was instrumental in the eventual creation of the **Ohio Checkbook**, which was based directly on and inspired by Buckeye's work while simultaneously establishing a **new standard** for government transparency and political accountability for spending decisions. The Ohio Checkbook was **codified into law** in 2021, ensuring that a future state treasurer could not discontinue this vital transparency tool.

### **Increasing Access to School Choice Programs (2011-2021)**

With the election of Governor John Kasich, Ohio once again had a pro-school choice legislature and chief executive. The ground that The Buckeye Institute had tilled and tended over the past four years was about to produce its harvest, and it started by expanding access to school choice over the subsequent six budgets.

#### **House Bill 153 – 2011**

With a new governor in office, The Buckeye Institute immediately got to work advancing further school choice reforms, beginning by expanding eligibility to Ohio's EdChoice program to families at or below 200 percent of the federal poverty level. Once again, armed with its rigorous research and working with a coalition of school choice advocates, Buckeye set to work testifying and convincing lawmakers that reducing eligibility barriers to EdChoice was the best policy for Ohio's students. The success of this effort more than doubled the number of EdChoice scholarships from 14,000 to 30,000 in the 2011-2012 school year, which doubled again to 60,000 in the 2012-2013 school year.



### **House Bill 59 – 2013**

The 2013 budget saw The Buckeye Institute working directly with lawmakers and school choice advocates to expand eligibility for families at or below 200 percent of federal poverty guidelines, which meant that, for a family of four making \$47,100 per year, their children were now eligible for Ohio's EdChoice program. Further, to address increasing education costs for families with high school students in the Cleveland Scholarship Program, the scholarship amount increased from \$5,000 to \$5,700 for each student.

### **House Bill 64 – 2015**

In the 2015 budget, The Buckeye Institute championed increasing the amount awarded through Ohio's EdChoice, Autism, and Jon Peterson Special Needs scholarship programs. For EdChoice, K-8 scholarships went from \$4,250 to \$4,650, and 9-12 scholarships went from \$5,000 to \$5,900 for the 2015-2016 school year and to \$6,000 for the 2016-2017 school year and thereafter. Those families benefiting from Ohio's Autism and Jon Peterson Special Needs scholarship programs saw an increase from \$20,000 to \$27,000.

### **House Bill 49 – 2017**

The 2017 budget again increased scholarship amounts, this time for the Cleveland Scholarship program to align with Ohio's EdChoice program. Scholarships for K-8 increased from \$4,250 to \$4,650, and scholarships for 9-12 grew from \$5,700 to \$6,000. These Buckeye Institute-championed increases gave families more resources to ensure their children could remain in the school best suited to their needs.

### **House Bill 166 – 2019**

In the 2019 budget, The Buckeye Institute enjoyed its efforts to expand EdChoice triumphing. The number of scholarships available automatically increased by five percent based upon how many students applied in a previous school year, creating a more effective mechanism to meet school choice demand. Further improvements to EdChoice expanded eligibility to students in schools under academic emergency.

### **House Bill 110 – 2021**

In the 2021 budget, The Buckeye Institute once again championed increasing the scholarship amount awarded through Ohio's EdChoice, Autism, and Jon Peterson Special Needs scholarship programs. For EdChoice and Cleveland Scholarship



programs, K-8 scholarships went from \$4,650 to \$5,500, and 9-12 scholarships went from \$6,000 to \$7,500 for the 2016-2017 school year and thereafter. Those families benefiting from Ohio's Autism and Jon Peterson Special Needs scholarship programs saw an increase from \$27,000 to \$32,445.

### **Establishing the Third Grade Reading Guarantee (Senate Bill 21 – 2013)**

Educators have long known that the ability to read at grade level was critical to a child's success in school and later life. The farther a child falls behind in reading, the more likely he or she is to drop out of school, making it harder to secure a job. Working with a coalition of education reform advocates, The Buckeye Institute championed reforms that would ensure students were reading at grade level by third grade; and, if they weren't, students would be held back or receive extra tutoring until they were reading at grade level. Senate Bill 21 was signed into law on June 4, 2013.

For 10 years, entrenched special interests sought to repeal this important and critical reform that ensured Ohio's children weren't simply shuffled through the public education system without the ability to read at grade level. Regrettably, these opponents successfully gutted the Third Grade Reading Guarantee in 2023. This reform is too important to Ohio's students to let this setback become the final word, and The Buckeye Institute is working alongside other education reformers to implement a meaningful policy to ensure children can read at grade level.

### **Increasing Classroom Space for Charter Schools (House Bill 64 – 2015)**

After leading the effort to create Ohio's first charter schools, parents across the state were eager to enroll their children in these new, exciting, and innovative schools. As demand increased, the need for more classroom space became apparent. Working with lawmakers and other school reform advocates, Buckeye championed policies that required public school districts to offer unused buildings they otherwise wanted to sell to high-performing or newly-established charter schools first. Extending charter schools the right of first refusal on traditional school buildings saved taxpayer dollars on construction costs of new charter schools and ensured enough classroom space in the schools where parents were choosing to send their children. House Bill 64 was signed into law on June 30, 2015.

### **Guaranteeing the First Amendment Rights of School Employees (2018)**

The Buckeye Institute has long believed in **workers' right to choose** whether to join and remain in a union or not. Many teachers and other school employees enjoy the services their union provides and the political positions their union takes; but of course others do not. One of those workers was Mark Janus, who in 2015 went to court to stop the





American Federation of State, County and Municipal Employees (AFSCME) from forcing him to pay “agency fees” to the union of which he was not even a member. Throughout the legal case, The Buckeye Institute filed briefs in support of Mark Janus. On June 27, 2018, the U.S. Supreme Court **ruled** in favor of Mr. Janus in *Janus v. AFSCME*. The decision was a victory for all public employees, many of whom are teachers. It meant that hardworking public-sector workers could no longer be forced to pay for political speech or other activities without their affirmative consent. Despite the court’s ruling in *Janus*, many government unions refused to respect the rights of public employees, and The Buckeye Institute has gone to court to help numerous workers get back money illegally taken from their paychecks in the years since.

### **New Graduation Requirements (House Bill 166 – 2019)**

Since the 1990s, Ohio’s spending on K-12 public education grew faster than inflation, even while achievement gaps between black and white students remained stubbornly high. The Buckeye Institute knew that throwing more money at the problem was not the answer, nor was watering down existing graduation requirements. To ensure Ohio’s schools were preparing and graduating students ready to fill jobs in a 21<sup>st</sup> century economy, The Buckeye Institute supported a proposal offered by three long-time education reform allies—Ohio Excels, Alliance for High Quality Education, and Thomas B. Fordham Institute. Among other things, the plan provided career, technical, and apprenticeship pathways for graduation, ensuring that Ohio was graduating employees with the skills that Ohio’s employers needed. These new graduation requirements were signed into law on July 18, 2019.

### **Ohio’s First Education Savings Accounts (House Bill 110 – 2021)**

Washington, D.C. began flooding the states with taxpayer money in the wake of the COVID-19 pandemic. From experience, The Buckeye Institute knew state lawmakers would need sound and prudent recommendations on wisely handling this windfall and that school closures would present lawmakers with one of their biggest challenges to date. To address the school-closure problem and its aftermath, Buckeye’s experts immediately began advancing a comprehensive education savings account (ESA) program similar to the one it pushed in **2017**. Buckeye’s recommendations **outlined** how ESAs would help parents with unanticipated education costs and help students keep up with their learning. Through legislative testimony, numerous opinion pieces, and three more policy papers (**here**, **here**, and **here**), Buckeye made the case for an ESA program to help parents afford educational services and materials throughout the pandemic and beyond. The Buckeye Institute-inspired Ohio Afterschool Child Enrichment (Ohio ACE) program was formally created when Governor Mike DeWine signed House Bill 110 on July 1, 2021.



**EDUCATION SAVINGS ACCOUNTS (ESAs)**  
GIVING OHIO'S CHILDREN THE BEST CHANCE TO SUCCEED

Education Savings Accounts (ESAs) are bipartisan and have passed in states across the country. Ohio's new Afterschool Child Enrichment (ACE) Education Savings Account Program provides \$125 million over the next two years that eligible families can spend on desperately-needed educational resources. This vital ESA program should be expanded and made permanent.


**THE PROBLEM** | Ohio schoolchildren have been set back by the pandemic, and parents have fewer options than those in other states to address educational performance issues.

- Children in low-income families—particularly those in rural and urban areas—are at increased risk of falling behind their peers.
- The pandemic impacted all parents—who desperately need support, certainty, and flexibility to ensure their students' success—regardless of their school district.
- Ohio must act now to catch up and give our students the tools they need to excel educationally.

**THE SOLUTION** | ESAs help parents afford desperately-needed resources and offer the flexibility necessary to improve their children's educational outcomes.

- ESAs offer an innovative and commonsense policy solution and provide a cost-effective way for state governments to manage their education budgets.
- In addition to traditional tuition expenses, ESAs can be used to purchase laptops or other technology for distance learning, tutoring services, or supplemental material to augment existing curriculum.
- 66% of parents with a child at home agree that a portion of funding should follow students.

For more details, visit [BuckeyeInstitute.org](https://BuckeyeInstitute.org) to read *Fund Students First: Now is the Right Time for Education Savings Accounts and Giving Families Certainty: Enhancing Education with Education Savings Accounts.*

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### Expanding Access to Broadband (House Bill 2 – 2021)

Another recommendation The Buckeye Institute made in its **Policy Solutions for the Pandemic** series was to expand internet access to under- and unserved areas of Ohio. Buckeye’s policy experts knew that access to reliable, high-speed internet service was critical for kids attending school online and for work, healthcare, and everyday household and shopping purposes. In a **policy memo**, Buckeye urged lawmakers to offer targeted state grants to deploy high-speed broadband service to under- and unserved regions of the state. This Buckeye Institute-inspired idea was adopted and signed into law on May 17, 2021. By prioritizing broadband expansion, House Bill 2 laid the foundation for a more secure and accessible educational landscape, ensuring all Ohio students have the tools they need to thrive in the digital era.

### Expanding Ohio ACE (House Bill 45 – 2023)

With federal funding still available, The Buckeye Institute **urged** Ohio lawmakers to transition to a students-first approach to education funding and use a portion of American Rescue Plan Act (ARPA) funding to expand the Ohio ACE program for students who lost



classroom time during the pandemic. Adopting The Buckeye Institute's recommendation, lawmakers expanded this vital program to families at 400 percent of the federal poverty guidelines and provided each K-12 student with \$1,000 to provide the financial resources needed to help close the educational gaps exposed by the pandemic. House Bill 45 was signed into law on January 6, 2023, and marked a significant step forward.

### **Making it Easier to Become a Teacher in Ohio (Senate Bill 131 – 2023)**

For years, The Buckeye Institute has focused on passing reforms to cut the occupational licensing burden on Ohioans—many of whom are teachers—to ensure that the state wasn't discouraging people from entering or advancing in the education field by making it unnecessarily complicated and expensive to become a teacher. In 2023, it was time to pass universal occupational license recognition so that teachers moving to Ohio from other states could immediately return to the classroom. The Buckeye Institute reactivated a national coalition of occupational license reform leaders and reinforced influential lawmakers who could deliver on this critical issue—most notably Senator Kristina Roegner, who, as a member of the Ohio House, Buckeye identified as a champion of licensing reform nearly a decade prior. Senator Rob McColley, an early Buckeye partner on occupational licensing reform was by now in Senate leadership, joined the effort as a co-author of the legislation. Working with Americans for Prosperity, Goldwater Institute, and Institute for Justice, Buckeye led multiple coalition calls with allies to coordinate messaging, testimony, meetings, and calls to members to educate them on how this policy would benefit Ohio. Buckeye also engaged the DeWine administration, which had made comprehensive occupational licensing reform part of its campaign platform in 2018. In addition to research, opinion pieces, blogs, and testimony, Buckeye organized two open letters to members in 2020 and 2022, encouraging them to adopt universal occupational license recognition and make it easier for licensed workers in every profession to move to the Buckeye State where they could earn a living in their chosen careers. Senate Bill 131 unanimously passed the Ohio Senate and passed the Ohio House with only three no votes. It was signed into law in January 2023.

### **Adoption of Universal School Choice (House Bill 33 – 2023)**

Ohio adopted universal school choice, marking the culmination to that point (although not the end) of The Buckeye Institute's work to expand school choice universally. For more than 35 years, Buckeye endeavored to empower parents and expand school choice so that families could access the best education setting for their children. The Buckeye Institute laid the intellectual foundation for school choice in Ohio with hundreds of research papers, opinion pieces, legislative testimony, and thousands of meetings with policymakers and families over the course of three and a half decades. Not only did Ohio join a growing list



of states adopting universal school choice, but The Buckeye Institute-inspired policy of providing Ohio's public charter schools with more money to expand classroom space and help cover building costs also passed. These Buckeye-championed policies were signed into law on July 4, 2023. As a result, nearly two million students gained access to school choice, and—for the first time—Ohio's public charter schools have access to more than \$650 million in funding.

### **Creating the Department of Education and Workforce (House Bill 33 - 2023)**

As far back as the 1990s, several Ohio governors and The Buckeye Institute recognized that reforms to the governance structure of the Ohio Department of Education (ODE) were necessary if the department was to be held accountable for implementing reforms adopted by the Ohio General Assembly. Two previous attempts to make the department a full member of the governor's cabinet had failed to make it across the finish line, but the pandemic and demands for a more highly-skilled workforce made 2023 an opportune time to advance this reform again. Initially introduced as Senate Bill 1 and later rolled into House Bill 33, The Buckeye Institute-championed reforms created the new Department of Education and Workforce to better integrate K-12 education and postsecondary learning, better support educational opportunities that expand workforce experiences, and prepare students for opportunities that don't require four-year degrees—something sorely lacking in the Ohio Department of Education at that point. Through its legislative testimony and effective advocacy, Buckeye was instrumental in getting this critical reform accomplished at long last. House Bill 33 was signed into law on July 4, 2023.



## How The Buckeye Institute Expanded School Choice to Every Child in Every Family in Every Community in Ohio

### A CASE STUDY: FUTURE OPPORTUNITIES

The Buckeye Institute achieved a significant victory when Ohio adopted universal school choice in 2023. Still, Ohio's achievement gaps between black, Hispanic, and white students should concern all Ohioans. Much of the entrenched education bureaucracy remains focused on getting more taxpayer dollars—despite falling enrollment in many public schools—and Ohio's high schools are not graduating enough students ready to meet the demands of today's economy. Simply put, there are plenty of opportunities to improve Ohio's education system, and The Buckeye Institute is leading these efforts by developing cutting-edge policies and proposing innovative and durable reforms that will address these and other issues facing Ohio, including **increasing classroom space** across the state to meet the rising demand for private and charter schools, **making inter-district open enrollment mandatory** for all Ohio public schools, and **creating a sustainable student-first education funding system**.



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