

**RESOLUTION AUTHORIZING CLEVELAND HEIGHTS-UNIVERSITY HEIGHTS CITY
SCHOOL DISTRICT BOARD OF EDUCATION TO INITIATE OR JOIN LITIGATION
EFFORTS CHALLENGING THE STATE OF OHIO’S ENACTMENT, ADMINISTRATION,
FUNDING, AND EXPANSION OF THE OHIO EDCHOICE SCHOLARSHIP VOUCHER
PROGRAM**

WHEREAS, Ohio's system of public education is a statewide system which the State of Ohio is responsible for funding to provide an adequate education for all primary and secondary students who attend public schools; and

WHEREAS, Section 2, Article VI of the Ohio Constitution requires the State to provide funds sufficient to secure a Thorough and Efficient system of common schools throughout the State; and

WHEREAS, the Ohio Supreme Court holds that Ohio’s school-funding scheme that requires local school districts to rely too heavily on local property taxes for revenue is unconstitutional; and

WHEREAS, over the last twenty years, the Ohio General Assembly and the Ohio Department of Education, by legislation and regulation, have caused many local school districts to increase their reliance on local property taxes while simultaneously reducing State funding, thereby exacerbating an already unconstitutional funding scheme; and

WHEREAS, the Ohio General Assembly enacted and continues to enact legislation that dramatically expands the Ohio EdChoice Scholarship Voucher Program (“EdChoice”) to increase the number of Ohio public school districts and the number of students in those public school districts eligible for EdChoice, thereby further depleting the State’s funding of affected public school districts, including the Cleveland Heights-University Heights City School District; and

WHEREAS, the Ohio Department of Education interprets the law and administrative code provisions governing EdChoice in a manner that likewise dramatically expands EdChoice to increase the number of Ohio public school districts and the number of students in those public school districts eligible for the program, thereby further depleting the State’s funding of affected public school districts, including the Cleveland Heights-University Heights City School District; and

WHEREAS, EdChoice forces public school districts to overwhelmingly rely on local taxpayers such that the EdChoice Scholarship Voucher Program violates the Ohio Constitution; and

WHEREAS, EdChoice diverts public dollars to private schools that are not held accountable to the same grading standards of education as public school districts, thus forcing the public to fund private, unregulated entities while leaving the public school system without proper and adequate funding and under a public-only grading system that is fundamentally flawed and negates the whole basis upon which EdChoice legislation is built; and

WHEREAS, more than 93 percent of EdChoice students within the Cleveland Heights-University Heights City School District geographic boundaries *never attended a Cleveland Heights-University Heights school*. Therefore for numerous school years, the District has received zero dollars in State funding for these private school students, yet still the State of Ohio is reducing funding to the District for each of those fully funded private school students (up to \$6,000 for high school students, and up to \$4,650 for K-8

students). This scheme causes the District to lose millions in essential funding critical to supporting the public school students the District serves; and

WHEREAS, this is made even more egregious where the State of Ohio *is not fully funding Cleveland Heights-University Heights City School District students* given the State caps the amount provided to District students, while it does not cap EdChoice private school State funding; and

WHEREAS, as a result, for the 2019-2020 school year, Cleveland Heights-University Heights City School District lost approximately \$7.2 million dollars to EdChoice; and

WHEREAS, the families in the Cleveland Heights-University Heights City School District deserve and are entitled to a school district that is appropriately and fairly funded by the State; and

WHEREAS, the Cleveland Heights-University Heights City School District should not have to carry an undue tax burden imposed by the State of Ohio as part of the State's efforts to subsidize private and parochial schools operating in Ohio; and

WHEREAS, this Board has previously engaged in numerous non-litigious means of challenging the unconstitutional reduction of State funding through EdChoice to no avail; and

WHEREAS, this Board is left with no other option but to pursue litigation; and

WHEREAS, the cost of litigation will be significantly less than the financial harm the Board has encountered and is guaranteed to continue to encounter without judicial intervention.

THEREFORE, BE IT RESOLVED by the Cleveland Heights-University Heights City Schools Board of Education:

1. The Board remains fully committed to fighting on behalf of all Cleveland Heights-University Heights City School District students, families and staff members for fair and constitutional funding for the School District.
2. The School Board will use whatever means necessary to pursue litigation against the State of Ohio including working cooperatively with other affected school districts and supporting organizations.
3. The Superintendent and/or Treasurer/CFO is hereby authorized to take action necessary to effectuate this Board's resolution to pursue litigation against the State of Ohio.

BE IT FURTHER RESOLVED, that it is hereby found and determined that all formal actions of this Board concerning and relating to the adoption of this resolution were adopted in an electronic meeting and/or open meeting of this Board in compliance with all legal requirements, including HB 197 and as permitted by Ohio law.

BE IT FURTHER RESOLVED, this Resolution shall take effect and be in force from and after the earliest period allowed by law.

Upon roll call on the adoption of the Resolution, the vote was as follows:
