Ohio Educational Choice Scholarship Pilot Program: A Comprehensive Policy Analysis

Andrew J. Hill
Seton Hall University

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Ohio Educational Choice Scholarship Pilot Program: A Comprehensive Policy Analysis

by

Andrew J. Hill

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Submitted in partial fulfillment of the requirements of the degree of Doctor of Education

Seton Hall University

2009
APPROVAL FOR SUCCESSFUL DEFENSE

Doctoral Candidate, Andrew J. Hill, has successfully defended and made the required modifications to the text of the doctoral dissertation for the Ed.D. during this Spring Semester 2009.

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I would like to start by thanking Dr. Charles Achilles for all of his support, encouragement, and blunt honesty throughout this entire process. My finished dissertation is what it is today due to his continual urging to produce a better product by putting more thought and insight into it. His insistence on precision in word choice has made me a better writer. His promptness in responding to all phone calls and written inquiries made the journey much easier for me along the way and kept me on track. I will remain truly grateful for his input into my dissertation and hope to continue to receive guidance from him in my professional life.

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Dedication

I would like to start by thanking my wife Dawn, who has made this entire process possible. Her support over the two years of this program is what enabled me to get through the tough times. Her constant words of support and understanding as I spent hours studying the summers and weekends away are much appreciated. I would not be who I am today without her. I love you Dawn.

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Chapter I. Introduction

Background

As accountability for outcomes of students in public schools in the United States (US) has risen to new levels over the last few years, so has the debate over school choice. Moe (2008) proposed that school choice is the most controversial issue in American education today. The idea of a parent or guardian being able to make a decision for his/her child regarding the type of schooling he/she receives and where it is received is a highly emotionally charged topic.

School choice can take many forms; vouchers, tax credits for education, or charter schools, to name a few. Fowler (2002) described the superficial issues of the school choice debate as being about how students are assigned to schools and which schools should be given public funding. Fowler (2002) also acknowledged many deeper issues inherent in the school choice debate, including the purposes of education, religious freedom, and the right of parents to make decisions for their children.

Dehli (2008) theorized that supporters of school choice see it as an enhancement of the overall quality of education and an increase in equity for every child to gain access to a school suited to their needs. Fowler (2003) stated that one premise behind the concept of school choice is that public education in the US would improve if it were subjected to market pressures. In turn, this would increase parental involvement, student achievement, school community cohesiveness, and options for diverse educational needs (Fowler, 2003). Renzulli & Evans (2005) suggested that school choice supporters see school choice as an opportunity for all parent/guardian(s) to select effective schools for their children to attend. Supporters of school choice also imagine the results of such systems as being increased student achievement as
measured by standardized tests, increased pedagogical innovation, and increased autonomy for teachers and administrators (Tell, 2008).

Those opposed to school choice see it as a threat that will undermine public schools, worsen problems of class and race, and lower academic achievement (Moe, 2008). Opponents proposed that school choice will increase the inequalities that are already present in schools (Renzulli & Evans, 2005). Other opponents view school choice as attempts to destroy unions, promote privatization, and deprive public schools of large sums of money (Tell, 2008).

In the State of Ohio, a school choice program enabled the use of vouchers in Cleveland in 1996. The Cleveland Choice Program allowed for qualifying students to receive a voucher with the option to attend either public or private schools of choice (Simpson, 2001). This program was challenged in court and found to be unconstitutional by the US Court of Appeals for the Sixth Circuit in 1999 because it used taxpayer monies to enable students to attend religious schools (Simpson, 2001). This decision was later overturned by the United States Supreme Court in the case of Zelman v. Simmons-Harris (2002), where the Supreme Court ruled that the Cleveland Choice Program did not violate the Establishment Clause of the First Amendment (Levin, 2002); thus the program continues in 2008.

In 2005, Ohio Governor Taft proposed the expansion of the private school voucher system to students in areas of the state besides Cleveland (Samuels, 2005). In July, 2005, Taft signed this bill into law. The new program, called the Ohio Educational Choice Scholarship Pilot Program (OECSPP), provides scholarships up to $5000 per student for a maximum of 14,000 students and is available to students who have attended public schools that have been in the lowest ranked state classification—"academic emergency"—for three consecutive years (Samuels & Reid, 2005).
The OECSPP, implemented during the 2006-2007 academic school year, had 3,667 applications for the 14,000 scholarships and awarded 3,255 scholarships for the year (Ohio Department of Education or ODE, 2007). The discrepancy between the number of applications submitted and those awarded was due to a number of applications that did not qualify as well as some cases wherein the parent/guardian(s) elected not to use the scholarship once they received it. Of the 3,255 scholarships awarded, 3,108 were accepted. At the end of the 2006–2007 academic school year, 2,713 students remained on scholarship (ODE, 2007); thus 87% remained.

The Ohio Federation of Teachers has opposed the OECSPP because of a lack of supporting evidence that vouchers have helped increase student achievement in Ohio (Anonymous, 2005). The Ohio Federation of Teachers received help in its fight against the program when newly elected governor Strickland announced during the March 14, 2007 State of the State address the elimination of the program in the proposed state budget (Tonn, 2007). Governor Strickland was not able to push this budget change through the Ohio House and Senate, however, so the program continued into the 2007-2008 school year. Included in the OECSPP continuation were changes that allowed more students to qualify. In particular, students became eligible if the school they had previously attended had been in the lowest two categories—"academic watch" or "academic emergency"—for two of the previous three years (ODE, 2007).

During the second year of the OECSPP, the program received 8,190 applications for the 14,000 scholarships and awarded 7,694 scholarships for the year (2,576 were renewed from the previous year and are included in this number) (ODE, 2008). Of the original 8,190 applicants, 232 withdrew from consideration, 258 did not qualify, and 6 submitted duplicate applications. Of the 7,694 scholarships awarded, 206 declined. At the end of the 2007–2008 academic school
year, 6,487 remained; 1001 were terminated during the course of the year (ODE, 2008); thus 87% remained.

**Problem Statement**

As school choice options increase in the US, there becomes a need to evaluate the quality of the policies upon which these programs are based. In Ohio, the new (2006) OECSPP offers vouchers to students in public schools labeled by the ODE as underperforming. The policy behind the OECSPP should be analyzed to determine the degree of alignment with research and theory-based criteria for school voucher programs. Currently, no empirical literature exists that examines the alignment of the OECSPP with research and theory-based criteria for school voucher policy development, however some theoretical formations have been made that will help with this type of study.

**Guiding Questions**

1. What are the research and theory-based criteria for policy in education voucher programs?
2. How well does the OECSPP align with the research and theory-based criteria for policy in education voucher programs?

**Purpose of the Study**

The researcher's purpose for this study was to conduct a comprehensive policy analysis of the OECSPP to assess how well the policy is aligned with research and theory-based criteria for policy in education voucher programs, following primarily the work of Levin (2002), who developed a comprehensive framework for evaluating education vouchers. Levin's (2002) comprehensive framework has been supported by other researchers, including Friedman (1962),

Research Question

1. How does the OECSPP address key voucher issues such as those presented by Levin (2002):
   a. Freedom of Choice
   b. Productive Efficiency
   c. Equity
   d. Social Cohesion
   e. Finance
   f. Regulation
   g. Support Services

Significance of the Study

School choice is a strongly contested debate in the United States. Ohio has been on the cutting edge in offering school choice options, education vouchers in particular. As Levin (2002) stated, “there is no single voucher plan, but many different plans, each with emphasis on a somewhat different mix of priorities” (p. 162).

Fowler (2004) described a policy process that involved the following stages: issue definition, agenda setting, policy formulation, policy adoption, implementation, and evaluation. Fowler (2004) defined evaluation as, “a form of applied research designed to determine whether a policy worked the way it was supposed to work” (p. 17).

In this study the researcher conducted a comprehensive examination of the OECSPP to determine the degree of alignment between research and theory-based criteria for school voucher
programs, following primarily the work of Levin (2002), and based on the policy behind the O ECSPP. This analysis is both timely and important because it will provide the first step in an evaluation of the O ECSPP, as described by Fowler (2004). Before a full evaluation of the O ECSPP can be completed, a comprehensive analysis of the policy behind it is necessary. The researcher completed this comprehensive analysis of the O ECSPP policy, setting the stage for a program evaluation to take place by another researcher at a later time.

Limitations

1. At the time of this study, the O ECSPP had only been in place for two school years; 2006-2007 and 2007-2008. Significant changes were made in the design of the program after the first year.

2. The O ECSPP pertains only to Ohio; thus the research has elements of a case study.

3. The researcher did not collect additional empirical data for this study, but accepted the State of Ohio’s historical data, and the researcher cannot verify the accuracy of the data.

4. Access to data on the O ECSPP is difficult, because the State of Ohio has not put all data on the O ECSPP together in an accessible presentable fashion.

5. This study does not follow experimental design, but is a comparison of the O ECSPP to a theoretical framework.

Delimitations

1. The primary framework used to evaluate the O ECSPP in this study is based on work done by Levin (2002). Other research and frameworks by different authors also exist and could have been chosen as a basis to study what constitutes a sound education policy, in particular, a voucher policy.
2. The State of Ohio has many school choice options, including vouchers, community/charter schools, intra-district and inter-district enrollment options, and e-schools. This researcher focused only on vouchers, and in particular, the OECSPP.

3. The OECSPP is an ongoing program. The 2007-2008 version of Chapter 3310 of the Ohio Revised Code Educational Choice Scholarship Pilot Program and Chapter 3301-11 of the Ohio Administrative Code Educational Choice Scholarship Program were used for this study.

4. School choice is erupting across the US at a rapid pace. The landscape of school choice in the US changes almost weekly. For the purposes of this study, information on school choice in the US was cut off at January 1, 2009.

**Design and Methods**

This study is primarily a formative evaluation using quantitative and qualitative data. The quantitative portion of this study followed the work of Johnson (2001), who conceptualized explanatory non-experimental research. In particular, it is a retrospective, explanatory study (Type 7) in that comparisons are made between the past (as estimated from the data) and the present for the case in the data set (Johnson, 2001). The qualitative portion included a formative evaluation and conventional content analysis as described by Patton (2002).

**Organization of the Study**

Chapter I provides the context of the study, including the relevant background, the problem statement, guiding questions, purpose and significance of the study, the research question, limitations, delimitations, and design and methods.

Chapter II includes a review of the theory/ideology, research, and literature that constitute a foundation for the policy analysis herein. The theory/ideology, research, and literature includes
an exploration of the issue of school choice, the definition and history of education vouchers, proponent and opponent views of vouchers, studies on other voucher programs, the OECSPP, and frameworks for policy analysis of a voucher program.

Chapter III presents details of the research design and methods.

Chapter IV provides the policy analysis of the OECSPP, primarily using the work of Levin (2002) as a framework.

Chapter V presents a summary, discussion of the findings, conclusions based on the data, and recommendations for future research, practice, and policy.

The appendices contain supporting information, laws, and data that are important but too voluminous to place within the main text.
Chapter II. Review of Theory/Ideology, Research and Literature

Chapter 2 includes a review of theory/ideology, research and literature on school choice, the definition and history of education vouchers in the United States, proponent and opponent views on vouchers, studies on other voucher programs, the OECPPP, and frameworks for analysis of a voucher program. Through this review of theory/ideology and research and literature, a foundation is laid for the policy analysis aspect of this study.

School Choice

The word “accountability” has taken on a new meaning since the legislation of the No Child Left Behind Act of 2001 (NCLB) (No Child Left Behind [NCLB PL 107-110], 2002), which came into effect after January 8, 2002. Even though parts (particularly funding) of the NCLB were found to be unconstitutional by the United States Court of Appeals for the Sixth Circuit in School District of the City of Pontiac, et al. v. Secretary of the United States Department of Education (2008), NCLB is still (2009) shaping the way some educators in the United States of America approach K-12 education. However, changes to the legislation are coming due to the change in presidential administrations. Because of provisions in NCLB, pressures on schools, public schools in particular, have risen to a new level. Public schools are deemed successes or failures based solely on student achievement as assessed by standardized test scores. As more public schools are deemed failures by measures laid out in various accountability schemes at the state and national level, the argument for school choice has intensified. Proponents of school choice claim that it provides an opportunity for students in failing schools to escape the failing system. But what is meant by school choice? What does school choice look like? What is the history of school choice?
Sweetland (2002) argued that school choice has always existed in the US schooling system. According to Sweetland, in early US schooling, parent/guardian(s) could choose schooling for their children if they believed that education was important, if it were available in the area where they lived, and if it were affordable for them. Sweetland further argued that as free public education became the norm, availability and affordability became non-issues, and compulsory education laws were established. The compulsory education laws, enacted in the first thirty years of the twentieth century, took away the ability of parent/guardian(s) to choose whether their children would attend school. Sweetland theorized that this compulsory approach to education created an education system in the US that allowed freedom of choice for only a few, because only the rich could afford to pay the required tuition to send their children to private schools. Those who could not afford tuition were compelled to attend public schools within their district boundaries.

In 21st century education, according to Sweetland (2002), school choice options are available within a public school district. These options include magnet schools and the opportunity to transfer between schools within the district. In fact, several options are available outside of a student's current district as well: transferring to another school outside of the district the student attends, charter/community schools, private schools, home schooling, and Web-based schooling. Fowler (2003) contended that from 1983-2003, school choice had erupted widely, with 17 states having intra-district open enrollment programs, 37 states and the District of Columbia having passed charter/community school legislation, and 3 states having established public voucher systems. Furthermore, the school choice movement has been greatly helped by foundations, like the Walton Family Foundation, that have poured millions of dollars into school choice programs across the US (Robelen, 2008).
Sweetland (2002) defined school choice as the parent/guardian(s) ability to choose the education setting that they feel best suits their children’s individual needs, thus creating free market public policies for education. Fowler (2002) defined school choice to be “the assignment of students to schools and who should pay for private education” (p. 5). Bodemer (1996) theorized that school choice could help public school reform by forcing public schools to become “more efficient, provide a better product, and improve services in order to remain viable” (p. 277). In fact, the literature shows that school choice takes many forms and ultimately can be defined as the ability of a parent/guardian in a free market society to choose the school setting most ideal for their child. The major obstacle that arises from this definition is how parent/guardian(s) can fund the option they find best for their children.

As with most decisions about where public money can or should be spent, school choice is hotly debated. Metcalf and Legan (2002) stated, “the notion of using public funds to support educational choices that include private schools is the most dramatic of several school choice alternatives. It also represents what some believe is the most serious contemporary challenge to our nation’s historic approach to public education” (p. 25). As school choice options have increased, so have for-profit agencies for education. Skekettee (2004) theorized that the education industry is one of the last areas available for for-profit ventures. Annual global spending on education exceeds one trillion dollars (Skekettee, 2004).

According to Fowler (2002) the debate revolves around two basic key issues: which schools receive public funding and how students are assigned to schools. By digging deeper into the school choice debate, Fowler (2002) identified other issues, including the purpose of education, religious freedom, social prerequisites of democracy, and the right of parent/guardian(s) to make decisions about what is best for their children.
Dehli (2008) theorized that supporters see school choice as an enhancement of the overall quality of education and an increase in equity for every child to gain access to a school suited to their needs. Renzulli and Evans (2005) suggested that school choice supporters see school choice as an opportunity for all parent/guardian(s) to select effective schools for their children to attend. Supporters of school choice also see the potential result of such systems as increased student achievement as measured on standardized tests, increased pedagogical innovation, and increased autonomy for teachers and administrators (Tell, 2008).

Those opposed to school choice see it as a threat that will undermine public schools, worsen problems of class and race, and lower academic achievement (Moe, 2008). Opponents have proposed that school choice will increase the inequalities that are already present in schools (Renzulli & Evans, 2005). Glass (2008) theorized that while school choice is claimed to be of benefit for the poor who must escape failing urban schools, in actuality, the poor are rarely able to take advantage of school choice.

School choice can be viewed as a large wheel with many spokes. This researcher focused on one spoke—education vouchers—and explored what education vouchers are, what they look like, why some people support them while others oppose them, what results of studies of voucher programs that have been implemented have shown, what the OECSPP program is, and what framework should be utilized when completing a policy analysis on a voucher system. As Fowler (2003) stated, "school choice is here to stay" (p. 38).

*Education Vouchers: Definition, History in the United States of America, and Structure*

Levin (2002) defined education vouchers as money given by the government to parent/guardian(s) to pay tuition for their children to attend any approved school, private or public. The history of education vouchers in the US can be traced to the beginning of the
country. Smith (1776) and Paine (1969) argued that the federal government should provide funding to parent/guardian(s) for their children’s schooling, thus affording poor families the same education opportunities as the rich. Friedman (1962) proposed that every parent/guardian be given a flat governmental grant that could be redeemed to pay for their children’s education at a school of the parent/guardian(s) choice. Jencks (1970) presented a model voucher system that would establish an Educational Voucher Agency (EVA) in each district to oversee the voucher programs, vouchers distributed to every parent/guardian with school-aged children within each EVA district, and rules for participating schools. Many present voucher programs are modeled after the Jencks proposal. At the time that Jencks (1970) proposed the model voucher system, six states had bills up for consideration for voucher programs (California, Illinois, Iowa, Massachusetts, Missouri, and Wisconsin). California conducted a limited voucher experiment in the 1970s (Fowler, 2003). A few New England states had “tuitioning,” which created choice for high school students (Coons & Sugarman, 1978). Fowler, 2003). Chubb and Moe (1990) outlined a plan that included a Choice Office, wherein personnel could funnel money directly to schools, thus allowing students to choose any public school in the state.

Since 1990, six states have enacted some sort of voucher program; Arizona, Florida, Georgia, Ohio, Utah, and Wisconsin (Robelen, 2008). There has also been a federally financed voucher program in the District of Columbia since 2004 (Robelen, 2008). Other states, such as Louisiana, are currently considering voucher programs (Robelen, 2008). Many private voucher programs are already in operation, mostly in urban areas (Fowler, 2003). More than ten court cases have considered the legality of publicly funded voucher programs since 1992 (Green, 2001); Zelman v. Simmons-Harris (2002) is the most influential due to the verdict rendered by the United States Supreme Court. In this ruling, the United States Supreme Court found that the
Cleveland Choice Program did not violate the Establishment Clause of the First Amendment of the United States Constitution. In making this determination, the Supreme Court Justices applied the Lemon Test, which has three prongs: (a) a statute must have a "secular legislative purpose"; (b) the "principal or primary effect must be one that neither advances nor inhibits religion"; and (c) the statute must not cultivate "excessive government entanglement with religion" (Bodemmer, 1996, p. 275). The Arizona Supreme Court determined that two voucher programs for children with disabilities and foster children attending private schools violated the Arizona Constitution (Cain et al. v. Horne et al., 2009).

A new type of voucher, the neovoucher (Welner, 2008), has become prominent. The neovoucher, a type of tuition tax credit, works as follows: a taxpayer donates money to a private, nonprofit organization. Then the nonprofit organization issues the donation to parent/guardian(s) as vouchers toward tuition at nonpublic schools. The taxpayer-donor then receives some or all of his/her donated money back in the form of a tax credit from the state (Welner, 2008). In Arizona, Florida, and Georgia, the taxpayer receives 100% reimbursement; in Iowa, Pennsylvania, and Rhode Island, the only other states to have such programs, the rate of reimbursement ranges from 65-90% (Welner, 2008). Welner (2008) stated that in the US there are almost twice as many students on neovouchers as compared with traditional vouchers.

For over 200 years the concept of an education voucher was only that—a concept. Education and economic scholars would debate the idea, but it wasn’t until about 1990 that the idea became a reality. The scholarly work of Smith (1776), Paine (1969), Friedman (1969), Jencks (1970), Chubb and Moe (1990) and others paved the way for the current education voucher systems. Judging by the length of time it took for theory to become practice, we are in
the very early stages of education voucher systems in the United States. In a later section of this chapter, studies on existing voucher programs in the United States are discussed.

Regardless of how a voucher program is structured, each addresses three key questions: (a) what families are eligible; (b) what schools are eligible; and (c) how will available funds be appropriated (Metcalf & Legan, 2002). Belfield and Levin (2005) identified four major goals that education voucher programs are built around: freedom of choice, equity, productive efficiency, and social cohesion. In Wisconsin, Ohio, and Florida, these questions and goals were used to create the publicly funded voucher programs that are currently in place. Each state created its own unique system that policy persons felt would best address the needs of their constituents.

As with other public policies, lines are drawn for and against an issue, and strong arguments made each way. We begin by considering the views of proponents of education vouchers.

Proponent Views of Education Vouchers

Proponents of vouchers include, among other groups, pro-market libertarians who argue the state should have no control over education; business persons, who theorize that competition will produce the best services at the lowest price; the Christian Right, who want to push their own views on morality; and the Catholic Church, which would benefit greatly for their financially struggling schools (Kennedy, 2001).

Proponents argue that education vouchers improve the equality of opportunity for education choice by affording low-income families education opportunities and choices that already exist for the middle and upper-class families (Metcalf & Legan, 2002). They view vouchers as an opportunity for public schools to diversify by changing the homogenous neighborhood school format currently in existence (Metcalf & Legan, 2002).
Proponents see value in allowing the market system to operate unregulated, even after the economic meltdowns in the US and worldwide (2008) from an unregulated market. They maintain that with competition, schools would increase programs that meet the needs of students, if the demand from parent/guardian(s) were present and the parent/guardian(s) could find a school to meet their children’s needs if the current school did not (Metcalf & Legan, 2002; O’Brien, 2001; Sweetland, 2000). Proponents also argue that parent/guardian(s) should have the ability to choose the types of values their children are exposed to and that parents/guardians should be able to withdraw their support if they are unhappy with the public schools (Metcalf & Legan, 2002).

Proponents of vouchers have suggested that the competition that would be created between schools as the result of vouchers would force all schools to improve in educational quality by creating innovative programs that are educationally sound (Metcalf & Legan, 2002). They suggest that vouchers will force schools and government agencies to streamline their processes, thus reducing the large overhead of bureaucracy (Metcalf & Legan, 2002). They propose that public schooling continues to experience large increases in education spending without seeing increases in student achievement (Belfield & Levin, 2005).

Proponents also suggest that vouchers will increase parental involvement and build a more cohesive school community (Fowler, 2003). According to Bodemer (1996), when public schools are forced to compete with other education providers they, in theory, will become more efficient, thus providing a better product and improving services to remain viable. Proponents of vouchers argue that due to a lack of competition, the price of public education gravitates toward artificial inflation, and they theorize that the creation of voucher programs will offset this effect (Sweetland, 2002).
Proponents suggest that because of the depressed housing values in poor areas, vouchers offer an opportunity for middle and high-income families to move into bargain housing while not having to attend the poorly performing public schools in the area to which they move (Nechyba, 2007). As a result, vouchers introduce a desegregating force to poor neighborhoods (Nechyba, 2007). As a result of this desegregation in neighborhoods, the spending differences between higher income districts and lower income districts narrows (Nechyba, 2007). For each argument in favor of education vouchers, there is a matching opponent view. Those views are explored here.

**Opponent Views of Education Vouchers**

Groups opposed to education vouchers include, among others, the education establishment members who advocate for public education, civil libertarians and church/state separationists, such as the American Civil Liberties Union (ACLU), who see vouchers as an attack on the First Amendment, and African-American organizations, who remain deeply suspicious of the racial motives of voucher proponents and the potential results of such programs (Kennedy, 2001).

Opponents of education vouchers argue that the opportunity to use a voucher would be accessible primarily to educated parent/guardian(s) already actively involved in their children’s education, while less active and less educated parent/guardian(s) would be able only to make poor school choices or no school choices for their children, resulting in an increase in the socioeconomic barrier (Bodemer, 1996; Glass, 2008; McEwan, 2000; Metcalf & Legan, 2002). They claim that vouchers would subsidize the middle and upper-class pursuit of educational advantage while contributing to the rising costs to the public for schooling (O’Brien, 2001). These same opponents of privatization hypothesize that vouchers would take the cream of the
crop from the public schools, leaving them as dumping grounds for students who do not perform well academically (McEwan, 2000; Metcalf & Legan, 2002). They theorize that the driving force behind vouchers is the desire of the white voting public to create “quasi-private” school experiences for their children while having the cost subsidized by public tax money (Glass, 2008).

Opponents see vouchers as leading to increased racial, cultural, economic, and religious segregation (Metcalf & Legan, 2002). They argue that vouchers would discriminate against special needs students because these students are more costly to educate than “normal” students. This practice could lead voucher school administrators to discourage challenged or hard-to-educate students from attending their schools, thus creating schools to educate only special needs students. This would segregate special needs students from mainstream education (Fowler, 2003; Metcalf & Legan, 2002).

Challengers of the voucher system stress the need for all students to be exposed to a common set of social and civic values. They view vouchers as precipitating diminished appreciation of diversity, civic duty, and social tolerance (Metcalf & Legan, 2002). They view voucher programs as having the potential to collectively reduce the support base for all public schools, and view marketplace competition as forcing schools to focus on superficial issues to attract students, shifting the focus of education away from factors that affect student learning (Metcalf & Legan, 2002).

Moreover, they speculate that competition would decrease innovation in curricula and instruction because school faculties would have to appeal to parent/guardian(s) traditional views of what schooling should look like in order to keep their enrollment at a viable level (Metcalf & Legan, 2002). Opponents do not agree that the market forces of competition will reduce the trend
toward a weakened and degraded public school system if voucher programs are in place (Glass, 2008). They point to facts concerning the test score trends of US students as evidence that America’s public school system is not in need of repair (Glass, 2008). They view vouchers as a social threat to public education and American democracy (Fowler, 2003). The public school system is the only public institution with the ability to socialize all children—the future citizens of a participative democracy—to the democratic ideals of the US and to teach them to become contributing members of a diverse society. It is the only public institution that all children must attend. According to those who argue against vouchers, privatization breeds isolation and homogenization.

Opponents of a voucher system contend that diverting public money to private schools is the wrong approach to fixing the perceived public school education problems. They have noted that forcing public school educators to compete with private school educators puts public educators at a disadvantage because private schools do not have to meet the same regulations that public schools have to face (Metcalf & Legan, 2002). For example, in the Milwaukee program, participating private schools are not subject to the state’s open meetings or open records laws, do not have to hire certified teachers or even teachers with college degrees, are not required to publish the salaries and benefits of teachers, and do not have to administer statewide achievement tests or release test scores, attendance rates, or drop out rates to the public (Kennedy, 2001). As an alternative, they cite research that supports small class size and universal prekindergarten as proven ways to increase student achievement and thus contend that money should go to these initiatives rather than to vouchers (Green, 2001). They argue that those who claim that public education expenditures have increased dramatically do so only by “using
dubious inflation measures and ignoring the substantial increase in services expected of public schools” (Glass, 2008, 129).

Now that education vouchers have been defined, and the viewpoints of proponents and opponents briefly explored, the review will focus on hard evidence of the success or non-success of education voucher programs.

*Studies and Evaluations of Education Voucher Programs*

Studies that have been completed on education voucher programs can best be summed up in one word: inconclusive. In the following section, the studies analyzed are placed into three different categories: 1. studies that focus on student academic achievement, 2. studies that focus on the perceptions of parent/guardian(s) who used vouchers, and 3. studies that focus on the pressures put on failing public schools whose students are eligible to receive vouchers.

*Category 1 and 2 Studies*

The Wisconsin legislature commissioned a study of the Milwaukee Voucher Program to compare the achievement of students who received vouchers with similar students who were attending public schools through more traditional means (Carnoy, 2001). Results of the evaluation of the fourth year of the program showed no significant differences in achievement in the areas of math and reading between the two groups, but did find a higher level of satisfaction expressed by the families who received vouchers (Witte, Sterr, & Thorn, 1995).

Greene, Peterson, Du, Boeger, and Frazier (1996) reexamined the Milwaukee data and concluded that students who received vouchers made statistically significant test score gains in reading and math by their third and fourth years in the programs. Greene et al. (1996) argued that the Witte et al. (1995) study used a comparison group from more advantaged families than those of students who received the vouchers and thus did not determine sound conclusions.
A third study, conducted by Rouse (1998), showed that Greene et al. (1996) overstated the effects of the program by excluding from the analysis students who received vouchers and did not attend the school or who only attended for a short period of time. Rouse (1998) also argued that unsuccessful applicants were not an ideal control group. Using the same data, Rouse (1998) concluded that students on vouchers scored 1.5–2.3 percentile points higher per year in math than did students in the comparison group, but that the results for reading were mixed, with both positive and negative coefficient estimates.

Greene, Howell, and Peterson conducted a two-pronged evaluation of the Cleveland Scholarship and Tutoring Program (CSTP) in 1997. The first prong was a randomized telephone survey of parents who applied for a CSTP scholarship. This random sample included both parents whose applications were successful and parents whose applications were unsuccessful (Greene et al., 1997). In the second prong, they analyzed test-score results from the two Hope schools established in response to the creation of CSTP.

The evaluation produced many results. First, the survey indicated that parents of scholarship recipients who previously attended public schools were much more satisfied with their school choice than were applicants who did not receive a scholarship and attended public schools (Greene et al., 1997). Second, test score results in mathematics and reading demonstrated large gains for CSTP students in the Hope schools. The researchers discovered that from September 1996 through May 1997, students in the Hope schools gained on average 5 more percentile points on the reading test and 15 more percentile points on the math test relative to the national norm, while demonstrating a 5 percentile decrease in language skills (Greene et al., 1997). Third, based upon parental input regarding where they expected their children to attend school in the following academic year (but not on where the student really went to school), the
researchers concluded that the Cleveland Choice schools were doing well at retaining students from one year to the next.

Metcalf (1998) argued that the work completed by Greene et al. (1997) was flawed for a number of reasons. First, Metcalf (1998) concluded that 31 students who took a different test over the course of many days were added to the group of 94 students who took a test on a single day under the supervision of Metcalf's evaluator team. Metcalf (1998) also argued that Greene, et al. (1997) did not control for differences in students' achievements before they began the CSTP. Metcalf argued that Greene et al. (1997) applied standards that quadrupled the likelihood of erroneous conclusions in order to state that their results were statistically significant.

Researchers from the Indiana Center for Evaluation at Indiana University were involved in examining the CSTP since its inception in 1996 (Plucker, Muller, Hansen, Ravert, & Makel, 2006). In a report using data from 1998–2001 examining a cohort from the time the students began first grade in 1998 to the end of third grade in 2001, Metcalf, West, Legan, Paul and Boone (2003) found that there was no statistically significant difference of participation in the CSTP on student achievement. They concluded that in regard to academic achievement, there is "no clear or consistent pattern that can be attributable to program participation" (Metcalf et al., 2003, p. 10).

Plucker et al. completed their longitudinal study on the CSTP in 2006. Their evaluation compared the academic achievement of students who used the CSTP scholarship continuously from kindergarten through sixth grade with the achievement of two groups of public-school students: those who applied for but did not receive a scholarship and were attending sixth grade in a public school, and those who never applied for a scholarship and were attending sixth grade in a public school. Plucker et al. (2006) argued that any difference found between scholarship
recipients and non-recipients was because the 7-year recipients had started the CSTP with higher levels of academic achievement as measured by test scores (537 versus 521/522). Thus, the researchers concluded that the students who had received scholarships for 7 consecutive years did not appear to have different rates of academic achievement than their peers who attend public school.

Howell, Wolf, Peterson, and Campbell (2000) reported that only African-American students in voucher programs demonstrated positive effects in terms of test scores in New York City, Washington, D.C., and Dayton, OH. These researchers reported that after two years in the voucher programs, African-Americans in each city who switched from public to private schools scored approximately 6 percentile points higher than comparable non-African-American students who remained in public schools.

Molnar and Achilles (2000) questioned the findings of Howell et al. (2000). Molnar and Achilles (2000) stated, "Since averaged results tend to conceal inconsistent findings, they may make the achievement impact reported appear more generalized than it is" (p. 1). Molnar and Achilles (2000) pointed out that valid research must include studies of sufficient size and scope to provide results that are reliable and important for education. They also argued that there was no control group in the Howell et al. (2000) study and that the Howell group made misstatements regarding similar studies they cited to support their own. They also shared that findings should be subject to rigorous peer review.

After continuing to examine the private voucher programs in New York City, Washington, D.C., and Dayton, OH for two years, Howell, Wolf, Campbell, and Peterson (2002) concluded that African-American students who switched from public to private schools continued to demonstrate academic gains. Based on results from the Iowa Test of Basic Skills
(ITBS) they found that gains by African-Americans in all three cities averaged 6.3 National Percentile Ranking points.

Forster (2008) completed the first study specifically on the OECSSPP. This study was funded by the Friedman Foundation for Educational Choice (which was awarded three “Bunkum” awards for shoddy research in February, 2008 by the Think Tank Review Project [C. Achilles, personal communication, December, 2008]). In this study, Forster (2008) obtained for all Ohio public schools the number of students tested, the average scale score on Ohio’s state tests and a breakdown by grade level for the 2005–2006 and 2006–2007 (the 2006–2007 school year was the first year for the OECSSPP) school years. He also obtained the percentage of students in each school who were white, the percentage of students who were eligible for free and reduced-price lunches, the percentage of schools in each city that were charter schools, and a list of schools that were eligible for the OECSSPP in 2006–2007. Forster (2008) analyzed math and reading scores from grades three through eight but could not include high school students due to the fact that testing at the high school level occurred only in grade ten. Forster (2008) then calculated the difference in average scale score in a subject (reading or math) for the 2005–2006 school year and then for the subsequent grade during the 2006–2007 school year. He attempted to control for the number of charter schools in an area and also for the phenomenon of regression to the mean. To control for regression to the mean, the second round of analysis included only the 14 school districts that were categorized as very high poverty and were part of the OECSSPP. Forster (2008) concluded that the OECSSPP had a positive effect on academic outcomes only in some grades (math between grades 4, 5, 6 and 7; reading between grades 6 and 7) in the public schools that had students eligible for vouchers, while no effect was noted in the other grades. The results from the regression to the mean analysis showed similar conclusions.
Lubienski (2008) analyzed the work of Forster (2008) for the Think Tank Review Project and noted that the report had serious methodological shortcomings. He contended that the report used weak variables, an inappropriate approach in measuring academic gains, and made claims based on a choice to use uneven results. Lubienski (2008) also contended that the report made many unfounded underlying assumptions, including that parent/guardian(s) have information about different schools’ academic effectiveness and that they had the time and motivation to learn about other schools. Lubienski (2008) also argued that Forster (2008) did not support the contention that schools in which leaders and teachers are doing a poor job are likely to lose their students and thus be driven to improve the quality of the education they offer. Lubienski (2008) concluded that the Friedman Foundation “selectively focuses on studies, no matter what the quality, that appear to support its agenda and in doing so they leave out much high-quality research” (p. 2).

Category 3 Studies

In Florida, students in schools that had failing grades in the state’s accountability system two out of four years were eligible for a voucher in the A+ Program (Greene, 2001). Schools are graded based on the Florida Comprehensive Assessment Test (FCAT), with a grade range of A to F. Schools that receive two Fs in any four-year period are considered to be chronically failing, and the students who attend these schools become eligible to receive vouchers to attend other public or private schools (Greene & Winters, 2003).

Greene and Winters (2003) identified schools under different degrees of pressure to improve academic performance, as measured on the FCAT, because of losses of enrollment due to vouchers. The categories for classifying schools were as follows: (a) Voucher Eligible Schools, which were defined as schools that had received at least 2 Fs since FCAT grades were
first given in 1998–1999 and had been deemed failing schools by the state (n=9); (b) Voucher Threatened Schools, defined as schools that had received one F in last three school years and if they received another F in the fourth year of testing, their students would be eligible for vouchers (n=50); (c) Always D Schools, defined as schools that had never received any grade other than a D (n=63); (d) Ever D Schools, or schools that had received at least one D since grades were assigned, but had never received an F; this category includes the Always D Schools (n=570); and (e) Formerly Threatened Schools, which were schools that had received a failing grade in the first year of FCAT testing (1998–1999) but had not received another since, thus no longer under threat of vouchers because they did not receive another F within the four-year period (n=59).

Greene and Winters (2003) theorized that schools would increase student academic achievement in response to the threat of vouchers, and thus would improvements in academic achievement would correlate with the category of school. They reported that the theory was correct; that Florida schools were improving in response to competition and that the amount of improvement was directly proportional to the degree of threat they faced from vouchers. They concluded from the study that the improvements were caused by the threat of vouchers and not other aspects of the A+ Program. Greene and Winters (2003) also found that Voucher Eligible Schools improved by 9.3 scale-score points on the FCAT math test, which represented higher gains than any other Florida public schools between the administration of the 2001–2002 and 2002–2003 tests. They reported that Voucher Threatened Schools made the second largest gain of 6.7 scale-score points on the FCAT math test. Students in Always D and Ever D Schools were determined to have such a small relative gains that it could not be concluded with certainty that the gains made were actually different from gains made by students in other public schools.
Formerly Threatened Schools lost 2.2 scale-score points on the FCAT math test, but Greene and Winters (2003) noted that this was barely significant ($p=0.103$).

Camilli and Bulkley (2001) reexamined Greene's (2001) work and found three different issues that may have skewed the results: sample selection, aggregation, and regression to the mean. Camilli and Bulkley (2001) indicated that Greene used "standard curriculum" students to obtain school-level gains scores ("standard" meaning a subset of students who tend to perform higher on the FCAT). They argued that for the purposes of evaluation, Greene should have looked at the impact of the A+ Program on all curriculum groups. They also demonstrated that the analysis should have been completed for each grade instead of by combining gain scores across grade levels, as Greene (2001) had done. They argued that policy implementation may differ at different grade levels and that to determine if a policy is effective or not, suitable diagnostic information is needed (Camilli & Bulkley, 2001).

The phenomenon of regression to the mean is where "experimental units chosen on the basis of extreme scores tend to drift toward the mean upon post-test: low scores drift upward and high scores drift downward" (Camilli & Bulkley, 2001, p.7). Camilli and Bulkley demonstrated that this phenomenon was at play in the results Greene (2001) presented, even though Greene argued that this was not a factor. Brownson (2001), Harris (2001), and Ladd and Glennie (2001) attributed the improvement to factors other than the threat of vouchers, thus disputing Greene's work and questioning the effect of vouchers on public schools in accordance with the work of Camilli and Bulkley (2001). In Bush v. Holmes (2006), the Florida A+ Program was found to be unconstitutional because it allowed some students to receive publicly funded education through private schools that are not subject to the "uniformity" requirements of public schools (LaMorte, 2008).
As is apparent from the disparity of the results detailed above, "inconclusive" is an appropriate word when describing research on the effects that vouchers have had on student and school achievement. The design of a program and a researcher's bias toward particular results seem to enable studies/evaluations to be designed that may not be as accurate as if they were designed in an appropriately neutral manner. Also, the statistical manipulation of data can be used to support preconceived notions. As Glass (2008) noted, "If there were clear and convincing evidence of substantial gains in academic performance resulting from instituting any of these reforms, they would no longer be debatable policy issues" (p. 147).

This researcher has examined school choice, the definition and history of education vouchers in the United States, proponent and opponent views of education vouchers, and the research findings on the effects of vouchers on student and school achievement. This review will now focus on defining and outlining the Ohio Educational Choice Scholarship Pilot Program (OECSPP).

**The Ohio Educational Choice Scholarship Pilot Program (OECSPP)**

In 2005, Ohio Governor Taft proposed the expansion of private school vouchers to students in areas of the state besides Cleveland (Samuels, 2005). In July, 2005, Taft signed the law that established the OECSPP and created the EdChoice Scholarship Program Staff Center for School Finance to oversee and operate the program. This office is part of the Ohio Department of Education and has an executive director, two management analysts, and three program consultants (ODE, 2007). The OECSPP authorization is found in Chapter 3310 of the Ohio Revised Code (ODE, 2007), located in Appendix D of this document. The administrative rules for the OECSPP are found in Chapter 3301–11 of the Ohio Administrative Code and can also be found in Appendix D of this document.
Initially, the OECSPP was intended to provide scholarships of up to $5000 per student for a maximum number of 14,000 students and would be made available to students who had attended public schools that had been in the state classification of “academic emergency”, the lowest ranking, for at least three consecutive years (Samuels & Reid, 2005). The OECSPP, implemented during the 2006–2007 academic school year, received 3,667 applications for the 14,000 scholarships, and awarded 3,255 scholarships for the year (ODE, 2007). The discrepancy between the number of applications submitted and those awarded was due to parent/guardian(s) applying who did not qualify or who elected not to use the scholarship once they received it. Of the 3,255 scholarships awarded, 3,108 students accepted the scholarship. At the end of the 2006–2007 academic school year, 2,713 students remained on scholarship (ODE, 2007). This represented a drop-out rate of 395 students (13%).

The OECSPP survived an attack by Governor Strickland, who announced in his first State of the State address that he had eliminated the program from his budget (Tonn, 2007). The Ohio Legislature decided to keep the OECSPP in the state budget but enacted some changes. For the second year of the program, the 2007–2008 academic school year, a change was made to the criteria used to determine if students were eligible to qualify for a scholarship. The new criterion established that a student must be attending a public school that was in academic watch or academic emergency two of the previous three school years, as determined by the Ohio Department of Education (ODE, 2007).

The program received 8,190 applicants for the 14,000 scholarships and awarded 7,694 scholarships in its second year (2,576 were renewals from the first year), 2007–2008 (ODE, 2008). The discrepancy between the number of applications submitted and those awarded are explained as follows: 232 withdrew from consideration, 258 did not qualify, and 6 submitted
duplicate applications. Of the 7,694 awarded, 206 declined and 1001 were terminated during the course of the school year, leaving 6,487 scholarships at the end of the year (ODE, 2008). This represented a drop-out rate of 1001 students (13%).

In order for this researcher to complete a policy analysis of the OECSPP, certain pieces of the state law and administrative code need to be examined further for reference. In 3310.02, the procedure for determining who receives a scholarship if the number of applicants exceeds 14,000 is outlined. The priority is as follows: (a) Eligible students who received the scholarship in the previous school year; (b) Eligible students with family incomes below 200% of the federal poverty guidelines—if the number of students under this provision exceeds the number of scholarships, then the department shall select the students by lot, which they define to be a lottery; (c) The remaining students who are eligible—if the number eligible exceeds the number of scholarships available, then the students are selected by lot, which is defined as a lottery. (ODE, 2007).

In 3310.03, eligible students are defined. In order for a student to be eligible the following must apply: (a) The student must be enrolled in a building that is operated by the student’s resident district, and which has been identified in two of the previous three school years as in academic emergency or academic watch by the ODE. The building must not have not been identified as excellent or effective in its most recent state report card; (b) The student is eligible to enroll in kindergarten and would be assigned to a school building listed above in (a); (c) The student is enrolled in a community school (charter school) but would otherwise be assigned to a school described in (a) above; (d) The student is eligible to enroll in kindergarten or is enrolled in a community school and all of the following apply to the student’s resident district: (1) The district has an intra-district enrollment policy under which no student in kindergarten or
community school’s grade level is automatically assigned to a particular school building; (2) In two of the last three school years the district was identified as being in a state of academic emergency; (3) The district was not declared to be excellent or effective in its most recent rating. (ODE, 2007).

Once a student receives a scholarship in the OECSPP, he/she may continue to receive scholarships in subsequent school years until he/she completes grade twelve, provided the following apply: 1. The student remains a resident of the school district or transfers to a new resident district and otherwise would be assigned in the new resident district to a building described in (a) above; 2. While enrolled in the charter nonpublic school, the student takes each state test prescribed for the student’s grade level as defined by the Ohio Revised Code; and 3. The student is not absent from school any more than 20 days for any school year, excluding excused absences. (ODE, 2007).

In 3310.04, transportation for eligible students is outlined. Students who are part of the OECSPP are entitled to transportation to and from the chartered non-public school as per Ohio Revised Code. (ODE, 2007).

In 3310.05, it is declared that districts that have been participating in other pilot programs are not eligible for the OECSPP. (ODE, 2007).

3310.06, indicates that the OECSPP is not the only option available to students enrolled in academic emergency or academic watch school buildings (ODE, 2007).

3310.07 states that any student who seeks a scholarship under the OECSPP must notify the ODE with the student’s and parent/guardian’s name, address, and the name of the nonpublic school and tuition for where the student has been accepted (ODE, 2007).
In 3310.08, the amount paid for an eligible student is defined. The amount is the lesser of the tuition charged by the nonpublic school or the maximum amount prescribed in 3310.09 of the Revised Code, which is $4,250 for students in grades kindergarten through 8 and $5000 for students in grades 9–12. Revised Code 3310.08 also establishes policy wherein a student’s resident district is proportionally restored that amount of money deducted for a scholarship student ($2,700 for a student in kindergarten and $5,200 for a student in grades 1–12) if the student re-enrolls in the resident district or in a community school before the end of the school year (ODE, 2007).

3310.09 gives the maximum award for eligible students. The amounts for fiscal year 2007 are listed; students in grades k–8: $4250 and students in grades 9–12: $5000. In fiscal year 2008 and other years thereafter, the maximum award under the OECSPP will be increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code (ODE, 2007).

In 3310.10, it was clearly established that tuition to a chartered nonpublic school is the sole acceptable use of the scholarship award (ODE, 2007).

In 3310.12, it is stated that documents that relate to the OECSPP that the department holds in its files are public records under section 149.43 of the Revised Code and may be requested (ODE, 2007).

In 3310.13, the tuition charged by chartered nonpublic schools is defined. A chartered nonpublic school cannot charge a student whose family income is at or below 200% of the federal poverty guidelines a tuition fee greater than the amount the scholarship pays, as defined in 3310.09. If a student’s family is not 200% or more below the federal poverty guidelines, then a chartered nonpublic school can charge the difference in tuition (tuition cost minus scholarship
amount). The parent/guardian of the scholarship student has the choice of paying the difference or providing volunteer services in lieu of cash payment (ODE, 2007).

In 3310.14, the procedures for the administration of state tests is outlined. Each chartered nonpublic school that enrolls students through the OECSP must annually administer statewide testing to the students in the form of proficiency tests or the Ohio Graduation Test. Each chartered nonpublic school must report the results of this testing to the ODE. Chartered nonpublic schools are not required to administer state testing to students that are not part of the OECSP (ODE, 2007).

In 3301-11-03, the list of designated buildings used in eligibility determination is defined. In order for a school building to have its students declared eligible for the OECSP, the building has to have been declared, in at least two of its previous three most recent school ratings, to be in state of academic emergency or academic watch. The published list used is the one published prior to the first day of July of the school year for which the scholarships will be granted. Buildings that have been declared excellent or effective in their most recent rating are not included on the list (ODE, 2007).

3301-11-04 sets out guidelines for students who switch schools after submitting an application to the OECSP. Students who are no longer enrolled in the school indicated on the submitted application will be no longer eligible to receive a scholarship, provided they transfer prior to the time the scholarship is awarded. A student is considered as enrolled in the school indicated on the submitted application after the last scheduled day of classes if the student was enrolled in the school during the school year prior to that for which the scholarship is sought and if the student was enrolled through the final scheduled day for that school year (ODE, 2007).
3301-11-05 outlines the application for program participation. Two points are important for the purpose of this study. First, the scholarship amount awarded is to be applied only toward tuition. The parent/guardian may be required to pay other fees and costs as outlined in the policies of the chartered nonpublic school the student is enrolled in. Second, the applicant has to apply for any and all financial aid or tuition discounts made regularly available to any student attending the chartered nonpublic school (ODE, 2007).

In 3301-11-07, the process of awarding scholarships is described. The order of awarding scholarships is as follows: (1) to students in grades k–12 who received a scholarship the previous year and for whom termination has not occurred pursuant to rule 3301-11-09 of the administrative code; (2) to any eligible students whose family income is at two hundred percent or lower as measured by the federal poverty level; (3) other eligible students. The department is responsible for establishing an initial date by which all applications must be submitted. After this date, all applications are verified and all eligible students given scholarships provided the amount of applicants is less than the allotted amount of scholarships (14,000). If the amount of scholarships awarded is less than the total number of scholarships allocated, then the department may establish a new due date for additional applications. If the amount of applications exceeds the number of available scholarships, the scholarships will be awarded by lot, after awarding scholarships to the students who were in the program the preceding year and giving priority to those who are at two hundred percent of the federal poverty level or lower. Within thirty days after a determination has been made, the applicant and the chartered nonpublic school the applicant is enrolled in will receive notification. Applicants awarded a scholarship must notify the department if they intend not to use it. Eligible students who do not receive a scholarship will be placed on a waiting list, determined according to the order of the lottery (ODE, 2007).
The process for transfer of scholarship is outlined in 3301-11-08. Scholarships awarded through the OECSPP may be transferred to another chartered nonpublic school listed pursuant to rule 3301-11-11 of the administrative code. The student transferring schools must notify the department of such a transfer or authorize the enrolling school to do so.

In 3301-11-09, termination of eligibility is defined. A student can have eligibility terminated if he/she falsifies the application or if he/she is withdrawn from or expelled from the chartered nonpublic school in which the student is enrolled and fails to enroll in another eligible school within thirty calendar days. If a student fails to take a prescribed state test the student will not have his/her scholarship terminated if the OECSPP Office determines that the inaction was a result of the chartered nonpublic school and thus not the student’s fault. When a scholarship is terminated, the applicant and chartered nonpublic school are notified by mail. The notification includes the effective date of termination (ODE, 2007).

3301-11-10 defines funding for fiscal year 2008 and each fiscal year thereafter. The maximum amount for a given fiscal year will be the maximum amount awarded the previous fiscal year increased by the same percentage by which the general assembly increased the formula amount from the previous year (ODE, 2007).

3301-11-11 outlines the regulations for participation by chartered nonpublic schools. Each school must hold a valid charter issued by the state board of education and must currently be in compliance with state operating standards. The school must also make its records or facilities pertinent to the OECSPP available to the ODE upon announced or unannounced visits in order to ensure compliance with the guidelines of the OECSPP (ODE, 2007).

In 3310-11-12, the entities designated to file applications are listed. Chartered nonpublic schools are authorized to file applications on the student’s behalf if so designated in writing by
the applicant. The OECSPP Office can create procedures to allow a student to designate other entities to file an application on their behalf. At no time can a student be charged fees for application assistance (ODE, 2007).

Qualified income verification agents are defined in 3310-11-13. The OECSPP Office may receive applications to become qualified income verification agents from entities that: (a) have an agreement with a school pursuant to rule 3301-11-11 of the Administrative Code and the school administers or participates in a local financial assistance program; (b) receive financial information from families seeking to receive financial assistance from the local financial assistance program; and (c) provide the school information and analysis to assist in making financial assistance determinations. The OECSPP Office has the ability to develop procedures and criteria to qualify such agents. The OECSPP Office may publish and maintain a list of qualified agents. The development of a fee schedule of amounts the OECSPP shall pay for income verification services will be developed by the OECSPP Office. The amounts shall be used to defray the costs that applicants would otherwise incur in applying for local financial assistance programs (ODE, 2007).

In 3301-11-14, the dispute resolution process is described. The OECSPP Office shall have the final authority in the resolution of a dispute. The aggrieved party should forward in writing a complaint to the OECSPP Office. The complaint should include documentation that supports the complaint. The OECSPP Office shall review the material and render a decision on eligibility within thirty days of receiving the complaint (ODE, 2007).

In the final part of this chapter, frameworks for evaluating education voucher programs are explored. Levin’s (2002) work lays a foundation for the policy analysis of the OECSPP that occurs in Chapter IV of this study.
Frameworks for Evaluating Education Vouchers

To complete a policy analysis on the OECSPP, it was necessary to select a theoretical framework for such an evaluation. Theories differ on how an education voucher system should be designed. This researcher chose to use Levin’s (2002) theoretical framework for evaluating voucher programs because it incorporates pieces of most other theories that have been proposed, and does so in a very comprehensive way. In order to demonstrate the comprehensive nature of Levin’s work, the following section will outline Levin’s theoretical framework and then explore other theoretical frameworks and how they relate to Levin’s (2002) criteria and design instruments.

Levin’s (2002) comprehensive framework for evaluating a school voucher system included four criteria for analysis: freedom of choice, productive efficiency, equity, and social cohesion. Levin (2002) also identified three design instruments to help address the four criteria: finance, regulation, and support services.

Levin (2002) defined freedom of choice as the right of families to select a school that is based on their values, religious teachings, political outlooks, and educational philosophies. Productive efficiency is defined as the maximization of educational results for any given resource constraint (Levin, 2002). Levin defined equity as “the quest for fairness in access to educational opportunities, resources, and outcomes by gender, social class, race, language origins, and geographical location of students” (p.162). Levin (2002) defined social cohesion as the major purpose of schooling in a democratic society, one which provides students with a common educational experience that will guide them to grow to adulthood as full participants in the political, social, and economic institutions of society.
Levin (2002) theorized that education voucher plans are "highly malleable" (p.162) and that the use of the three design instruments listed above could help construct voucher plans with features to address each of the four criteria he defined. Levin (2002) defined finance to be how the voucher is allocated and whether a school can charge a family greater tuition than that covered by the voucher. Levin (2002) defined regulation as the requirements set out by the government for eligibility of schools to participate in the program, including any other rules that must be adhered to by the schools and families utilizing the vouchers. Support services were defined as the services designed to increase the effectiveness of the market in providing freedom of equity, choice, and productive efficiency. These include such services as providing information for parent/guardian(s) so they can make informed decisions and transportation.

He suggested that elements of the freedom of choice criterion include: school costs covered by vouchers, including special needs; the school's allowance of varying school philosophies, religious practices, and education goals; the degree of regulation in admissions, curriculum, and testing; supply of schools; availability and extensiveness of transportation; and the availability of alternatives to the school of choice.

Levin (2002) suggested that the measures of his second criterion, productive efficiency, include various measures relating to academic outcomes vs. the costs for similar students and student services to produce the outcomes. Academic achievement is defined as knowledge as measured not only by test scores but also through real-world situations. In analyzing the costs associated with producing the academic achievement, evaluators should compare the costs of producing similar services for similar populations through alternatives. Costs associated with monitoring and administering the program should be distinguished from the cost at the school site.
The third criterion listed by Levin (2002), equity, included “identification of the particular distinctions among populations that are the focus of equity, such as race, income, gender, immigrant or language status, and geographical region” (p. 166). Services that are available to serve special education needs are also important in equity, as are access to education opportunities and the quality of the program including resources and peers. The probable education outcome is important for equity.

Finally, Levin (2002) proposed that measures of social cohesion, the fourth criterion, include the student’s exposure to history, political institutions, citizen rights and responsibilities within political and legal systems, legal frameworks and institutions, economic institutions and their functions, and a common language. Community service, debates, mock trials, and interactions with peers from different cultures or perspectives are also a measure of social cohesion.

Levin (2002) suggested that no single optimal system could provide maximal results within all four criteria, as the enhancement of one or two areas would probably infringe on the performance of the other two or three areas. He theorized that proponents of education voucher designs must choose priorities and many times these priorities are left up to the politicians who are designing the program.

However, Levin’s 2002 framework is not the only such framework proposed for the evaluation of a school voucher system. Friedman (1962) proposed that every parent/guardian be given a flat governmental grant that could be redeemed to pay for their children’s education at a school of the parent/guardian(s) choice. Levin’s (2002) ideas of freedom of choice and finance builds on Friedman’s proposal. Friedman advocated for the parent/guardian to be able to choose the school they sent their child to, which ties directly into Levin’s definition of freedom of
choice. Levin’s definition of finance also related directly to Friedman’s proposal in that Friedman called for the parent/guardian to be given the voucher directly and Levin’s definition dealt with how the voucher is allocated.

Jencks (1970) presented a model voucher system to establish an Educational Voucher Agency (EVA) in each district to oversee voucher programs, vouchers distributed to every parent/guardian with school aged children within the EVA’s district, and rules for participating schools. Levin’s (2002) ideas of productive efficiency, equity, and regulation relate to Jencks’ proposal. The creation of the EVA, as advocated by Jencks et al., brought factors involved in the cost of administering the program into play, which is what Levin described as productive efficiency. Jencks’ idea to have the vouchers distributed to every parent/guardian within the EVA’s district is similar to Levin’s idea of equity, which is defined as a quest of fairness and regulation. Levin’s idea of regulation deals with the rules for families utilizing the vouchers, which in Jencks’ case involved the rule of families having to live within the EVA boundary. Finally, Levin’s regulation category is reminiscent of the rules for participating schools advocated by Jencks et al., in that they both describe requirements set out by the government for eligibility of schools to participate in the program.

Chubb and Moe (1990) outlined a plan for a Choice Office that would funnel money directly to schools, allowing students to choose any public school in the state. Four aspects of Levin’s (2002) framework were reminiscent of Chubb and Moe’s (1990) work: (a) freedom of choice in that Chubb and Moe’s (1990) proposed plan allowed for students to choose any public school in the state, (b) productive efficiency, in that the Choice Office incorporated factors related to the cost of administering the voucher program, (c) finance, because Chubb and Moe advocated for money to be funneled directly to the schools and Levin described finance as how
the voucher is allocated, and (d) regulation, in that Chubb and Moe’s proposed Choice Office was a part of the requirements that both schools and parent/guardian(s) had to deal with as part of the program.

Metcalf and Legan (2002) contend that a voucher program should define what families are eligible, what schools are eligible, and how available funds will be appropriated. Metcalf and Legan’s proposed plan incorporated four aspects of Levin’s (2002) framework: (a) freedom of choice as described by Levin in that the means of appropriation of funds dealt with school costs covered by vouchers, (b) equity, in that Metcalf and Legan proposed defining eligible families, which relates to the quest for fairness for all in educational opportunity as described by Levin, (c) finance, in that Metcalf and Legan’s proposal called for a definition of how the funds are appropriated which tied directly into Levin’s definition of finance, that being how a voucher is allocated, and (d) regulation, in that Metcalf and Legan proposed that voucher programs define eligibility criteria for schools and Levin defined regulation to include the rules established by the government for eligible schools to participate in the voucher program.


Hoenack (1997) proposed an economic design structural model of supply and demand of enrollment places in parochial schools to evaluate the design of voucher policies. In Hoenack’s (1997) model, complex formulas were derived to determine enrollment demand, parochial school supply, per student parish subsidies, and identity. Hoenack identified possible designs of voucher programs which could be evaluated: requiring matching private and government funds to finance
vouchers; requiring vouchers to be restricted to incremental enrollments to increase the
proportion of students from disadvantaged backgrounds; scaling voucher amounts to the
student’s socioeconomic status; targeting vouchers to students from low socioeconomic status;
paying government funds for vouchers into foundations responsible for disbursement and
allowing tax credits for those who donate to the foundation as a substitute for government
expenditure. Other designs by Hoenack (1997) include: requiring that parochial and other private
schools that receive vouchers regularly pre- and post-test their students in basic math and
language skills and the ability to solve practical problems using these skills in novel situations
and make the information on multi-year improvements in test scores readily available, and
ensuring that the government provides extra funds to schools achieving multi-year test score
improvements in students from disadvantaged backgrounds.

Levin’s (2002) framework tied in with six aspects of Hoenack’s (1997) proposal: (a)
freedom of choice, because Hoenack called for the economic design of supply and demand in the
proposal and this design would directly impact the school cost covered by vouchers, which Levin
identified as a piece of freedom of choice; (b) equity, because Hoenack called for the increase in
the proportion of students from disadvantaged backgrounds and the scaling of the voucher
amount to meet the student’s socioeconomic status; (c) finance, relative to Hoenack’s proposed
ideas such as the payment of government funding into foundations that then distribute the
vouchers and other ideas, such as tax credits, on how money is allocated to the voucher
programs; (d) productive efficiency, in that Hoenack’s idea of government funding being paid
into foundations that then allocate the vouchers is similar to Levin’s definition of productive
efficiency, including the costs involved in operating the program; (e) regulation, because
Hoenack identified many requirements of participating schools in the voucher program and
Levin defined regulation to include the requirements set out by government for participating
schools; and (e) support services, because Hoenack’s proposal incorporated ideas that tied the
vouchers to enrollment demand, parochial school supply, and academic achievement which help
increase the effectiveness of the market in providing productive efficiency, which is part of
Levin’s definition for support services.

In this policy analysis study, the researcher built the analysis primarily on the work of
Levin (2002), and specifically on Levin’s four criteria and three design instruments for education
voucher programs. One reason that this researcher chose to use Levin’s (2002) theoretical
framework for evaluating voucher programs is that it incorporates elements of the other
presented theories that have been proposed, and does so in a comprehensive way, as discussed
above and summarized in Table 1.

Theoretical Framework Guiding the Researcher

Levin’s (2002) framework for evaluating the effectiveness of vouchers served as the lens
the researcher used to analyze the OECSP. An effective education policy should meet the
criteria and design instruments developed by Levin. Likewise, an ineffective policy would lack
aspects of Levin’s criteria and design instruments. Utilizing Levin’s framework as the lens
allowed this researcher to answer the primary research question, which was: How does the
OECSP address key voucher issues such as: (a) Freedom of Choice; (b) Productive Efficiency;
(c) Equity, d. Social Cohesion; (e) Finance; (f) Regulation; and (g) Support Services?

Data collected consisted of statistics from the first two years of the OECSP Program;
the 2006–2007 and 2007–2008 school years. The major source of the data was the Director of
the OECSP. Data included the total number of applicants, the total number of applicants who
withdrew from consideration, the total number of applicants who applied but did not qualify, the
total number of scholarships awarded, the total number of scholarships awarded but declined, the
total number of scholarships terminated during the school year, the total number of scholarships
remaining at the end of the school year, and the total number of scholarships renewed (year 2
only). Figure 1 diagrams the theoretical framework the researcher used for the policy analysis of
the OECSPP.

Chapter II has presented a review of theory/ideology, research, and literature on school
choice, the definition and history of education vouchers in the United States, proponent and
opponent views on vouchers, studies on other voucher programs, the OECSPP, frameworks for
analysis of a voucher program, and the theoretical framework guiding this researcher. Before the
policy analysis takes place in Chapter IV, the research design and methods used to create the
policy analysis are presented in Chapter III.
Table 1.

Comparison of the components of Levin’s (2002) framework for evaluating education voucher programs with other frameworks for evaluating education voucher programs.

<table>
<thead>
<tr>
<th>Levin’s components</th>
<th>Other voucher analysis frameworks containing similar components</th>
</tr>
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<tbody>
<tr>
<td>Freedom of Choice:</td>
<td>Friedman (1962); Chubb &amp; Moe (1990); Metcalf &amp; Legan (2002);</td>
</tr>
<tr>
<td></td>
<td>Belfield &amp; Levin (2005); Hoenack (1997)</td>
</tr>
<tr>
<td>Productive Efficiency:</td>
<td>Jencks (1970); Chubb &amp; Moe (1990); Belfield &amp; Levin (2005);</td>
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<td></td>
<td></td>
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<td></td>
<td>Hoenack (1997)</td>
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<tr>
<td>Equity:</td>
<td>Jencks (1970); Metcalf &amp; Legan (2002); Belfield &amp; Levin (2005);</td>
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<tr>
<td></td>
<td>Hoenack (1997)</td>
</tr>
<tr>
<td>Social Cohesion:</td>
<td>Belfield &amp; Levin (2005)</td>
</tr>
<tr>
<td>Finance:</td>
<td>Friedman (1962); Chubb &amp; Moe (1990); Metcalf &amp; Legan (2002);</td>
</tr>
<tr>
<td></td>
<td>Hoenack (1997)</td>
</tr>
<tr>
<td>Regulation:</td>
<td>Jencks (1970); Chubb &amp; Moe (1990); Metcalf &amp; Legan (2002);</td>
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<td></td>
<td></td>
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<tr>
<td></td>
<td>Hoenack (1997)</td>
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<tr>
<td>Support Services:</td>
<td>Hoenack (1997)</td>
</tr>
</tbody>
</table>
Figure 1. Theoretical framework guiding this policy analysis.
Chapter III. Design and Methods

The researcher's purpose for this study was to conduct a comprehensive policy analysis of the OECSPP to assess how well the policy is aligned with research and theory-based criteria for policy in education voucher programs. This comprehensive policy analysis was an independent review analysis in that this researcher was not connected to the OECSPP or the Ohio Department of Education (ODE) in any way. This analysis was primarily completed by comparing the OECSPP to the conceptualizations of Levin (2002), who developed a comprehensive framework for evaluating education voucher efforts, relative to the policy issues that urge privatization. Levin's (2002) comprehensive framework was discussed thoroughly in the review of literature for this study and aligns with several previous works, including Friedman (1962), Jencks (1970), Chubb and Moe (1990), Metcalf and Legan (2002), and Hoenack (1997).

To create a roadmap to guide the reader in understanding the analysis process, a clear description of the research design and the methods used in the policy analysis is presented in this chapter.

Research Question

How does the OECSPP address key voucher issues such as those presented by Levin?

a. Freedom of Choice
b. Productive Efficiency
c. Equity
d. Social Cohesion
e. Finance
f. Regulation
g. Support Services
Guiding Questions

1. What are the research and theory-based criteria for policy in education voucher programs?

2. How well does the OECSPP align with the research and theory-based criteria for policy in education voucher programs?

Research Design

This study was primarily a formative evaluation using existing and available quantitative and qualitative data. As in the design framework of Johnson (2001), this study included quantitative explanatory nonexperimental research. Johnson (2001) explained that quantitative research can be used to answer two key questions: “A. Were the researchers trying to develop or test a theory about a phenomenon to explain “how” and “why” it operates? and B. Were the researchers trying to explain how the phenomenon operates by identifying the causal factors that produce change in it?” (p.9). In particular, this study is a retrospective, explanatory study (Type 7), because comparisons were made between the past (as estimated from the data) and the present for the case in the data set (Johnson, 2001).

The researcher attempted to answer questions about how the OECSPP operates by analyzing the level of alignment of the OECSPP policy with research and theory-based criteria for policy in education voucher programs. To accomplish this task, the researcher considered the OECSPP not only currently (2008-2009), but also from its inception (2006-2007). This nonexperimental research was conducted by using the comprehensive framework for evaluating education vouchers developed by Levin (2002) and data collected directly from the Ohio Department of Education (ODE) and the ODE website.
The qualitative components of this study are formative qualitative research and conventional content analysis. Patton (2002) described formative evaluations as serving “the purpose of improving a specific program, policy, group of staff, or product” (p. 220). In this study, the researcher made inferences and decisions for the purposes of assessing and/or improving the OECSPP and future education policy derived from the theory/ideology, research, and literature presented in Chapter II as well as the results of the policy analysis work in Chapter IV. Patton (2002) described content analysis to be, “any qualitative data reduction and sense-making effort that takes a volume of qualitative material and attempts to identify core consistencies and meanings” (p. 453). In this study, the researcher took that OECSPP law and administrative code and attempted to make sense of it by identifying the education policy behind the OECSPP and comparing the education policy to effective education policy in various voucher programs.

Methods

Data Sources and Strategies

The data sources were the ODE, the Director of Nonpublic Educational Options at the ODE, data requested on the OECSPP from the ODE, relevant public-access websites, theories and frameworks for evaluating voucher programs, and prior studies on voucher programs. Because the data and analysis included both measurements and judgments, the study employed mixed methods; both quantitative and qualitative approaches.

Data Collection Strategies

This researcher completed the on-line Seton Hall University Institutional Review Board (IRB) lessons and received a certificate of completion. This researcher navigated the ODE website and downloaded the 2007–2008 OECSPP Program Guide for Participating Chartered
Nonpublic Schools, which included: (a) the OECSPP law, (b) the OECSPP administrative code, (c) documents, (d) forms, (e) instructional manual, (f) state operating standards, and (g) information on state achievement testing. The researcher could not locate OECSPP data on the ODE website, so the researcher e-mailed the ODE to request the available data from the first year of the program operations (2006–2007). The Executive Director of the Center for School Finance at the ODE responded with the following data for fiscal year 2007, the first year of the program: (a) total OECSPP applications, (b) total applications withdrawn, (c) total applications not qualified, (d) total OECSPP scholarship awards, (e) total OECSPP scholarships declined, (f) total OECSPP scholarships accepted, (g) total OECSPP scholarships terminated, and (h) total OECSPP students completing the school year.

At the conclusion of the second year of the OECSPP, this researcher again e-mailed the ODE for data on the second year. The researcher asked for the same data that had been provided for the first year of program and the number of scholarships renewed from the first to second year of the OECSPP. The Director of Nonpublic Educational Options e-mailed figures for each area requested.

To determine whether the theoretical framework described in Chapter II had content validity, that is, that it adequately represented the conceptual domain being measured (Haller & Kleine, 2001), and to check against possible researcher bias, three different individuals were asked to serve as part of a “panel of experts” and to use the framework illustrated in Figure 1 to classify the pieces of the OECSPP law, administrative code, and data as this researcher had done. One individual had been involved in the field of education for over 30 years, mostly in high school administration at a Catholic high school. The individual had earned a Ph.D. in Education Administration and Supervision from the University of Notre Dame in South Bend, Indiana. The
second individual, involved in the field of education for over 30 years in public schools, had earned a Ph.D. in Education from the University of Toledo. The third individual had earned an Ed.D. in Educational Leadership, Management, and Policy from Seton Hall University and worked in administration in public schools. The three individuals were provided a copy of this researcher’s most up-to-date dissertation proposal, a copy of *A comprehensive framework for evaluating educational vouchers* (Levin, 2002), and a copy of the 2007–2008 version of the OECSPP law, administrative code, and up-to-date data provided by the ODE.

Each education expert was asked to review the information provided, in particular the table that listed the pieces of the OECSPP law, administrative code, and data within the four criteria and three design instruments identified by Levin (2002). Each was asked to determine whether or not: (a) he agreed with the placement in each criterion and/or research design that this researcher had completed; (b) if he did not agree, where did he believe the section of law, administrative code, or data in question belonged; and (c) did he believe sections of the OECSPP law, administrative code, or data were left out that should have been included, and if so, where should it be placed.

One individual reviewed the literature and theory and determined that the framework in Figure 1 selected to guide the data analysis seemed both appropriate and useful for the purpose of the study, thus helping establish validity by supporting the independent judgment of the primary researcher. The individual suggested six additions (addition of 3310.03 and 3310.06 to social cohesion, and the addition of 3301-11-09, 3301-11-12, 3301-11-13, and 3301-11-14 to regulation) to the OECSPP information categorized into the four criteria and three design instruments as described by Levin (2002). After careful review of the suggestions, this researcher
OECSPP Policy Analysis

included the suggestions into the analysis presented in Chapter IV, thus adding to the comprehensiveness of the evaluation.

The first individual suggested attempting to obtain the following data from the ODE, if possible: (a) data concerning notification dates and the accuracy of addresses in notifying families of the OECSPP; (b) data on the timeliness with which the vouchers are sent to schools; and (c) data on how many of the families awarded vouchers fell into the category of below 200% of the federal poverty guidelines. This researcher contacted the Director of Nonpublic Educational Options at the ODE, who works directly with the OECSPP to see if the aforementioned data could be obtained. The Director of Nonpublic Educational Options at the ODE responded that during the first two years of the OECSPP, mailing lists were provided to the ODE from the public school districts upon request. In particular, the ODE requested home mailing addresses for students attending designated buildings. The lists were used to mail information about the OECSPP and invited the parents to attend an information session in their area of the state. There were also parent advisory groups not affiliated with the ODE who did the same thing. The ODE was not certain how many times information was sent to families about the OECSPP. This process was eliminated in February of 2008 because of budget cuts, leaving the advocacy groups and the participating chartered nonpublic schools as the sole means of getting the word out about the OECSPP. (S. Cosmo, personal communication, November 18, 2008).

The Director indicated that scholarship payments were sent three times per year (October, January, and April) with a reconciliation period in May. The Director also indicated that the ODE does not collect low-income verification because families have not been required to submit income verification information. The Director indicated that low-income verification will become important once the OECSPP is faced with a lottery. (S. Cosmo, personal
communication, November 18, 2008). The information shared by the Director with this researcher was then shared by this researcher with the first individual.

The second and third individuals were not able to respond within the timeline needed to complete the study. After consultation with two members of this researcher's dissertation committee, this researcher decided to ask for feedback from the Director of Nonpublic Educational Options from the ODE as a second check for validity. This researcher sent the Director of Nonpublic Educational Options from the ODE the definition of terms as they pertain to the four criteria and three design instruments identified by Levin (2002), a table categorizing pieces of the OECSPP law, administrative code, and data in each of the four criteria and three design instruments as defined by Levin (2002), and a table listing the descriptive indicators for each criterion and design instrument. The Director of Nonpublic Educational Options was asked to determine if she: (a) agreed with the placement in each criterion and/or research design that this researcher had completed; (b) did not agree, and if so, where she believed the section of law, administrative code or data in question belonged; (c) believed sections of the OECSPP law, administrative code, or data were left out that should have been included, and if so, where should they be placed; (d) could suggest other descriptive indicators that should be placed within each criterion or design instrument; and (e) had other comments, suggestions, or ideas that would be beneficial to this researcher's study.

The Director of Nonpublic Educational Services was willing to respond to this researcher's request, but the request had to be run through the ODE legal department. The ODE legal department allowed the Director of Nonpublic Educational Services to review the tables containing program data elements but did not allow the Director to comment on structure or criteria that this researcher was using in relation to such data. Therefore, the Director of
Nonpublic Educational Services provided feedback on the tabled data (see Table 4 on p. 66) where the sections of the OECSPP law, administrative code, and data were categorized into the four criteria and three design instruments as identified by Levin (2002). The Director suggested two sections of the law and administrative code that this researcher had already categorized into the table.

The researcher’s dissertation committee, comprised of three individuals with Doctorates in Education (Ed.D.) and one individual with a Ph.D. in Education served as a check on validity by approving the approaches the researcher used.

Content Analysis Process

The researcher used conventional qualitative content analysis to analyze the pieces of the law, administrative code, and data regarding the OECSPP and determine where the different pieces fit within the four criteria and three design instruments identified by Levin (2002). The researcher’s choice of conventional qualitative content analysis was deductive in nature because the data were examined according to an existing framework; that of Levin (2002). The researcher completed the analysis by comparing each section of the OECSPP law, administrative code, and data to the definitions and descriptive indicators of each criterion or design instrument as identified by Levin (2002).

After the sections of the OECSPP law, administrative code, and data had been placed into the appropriate criterion or design instrument as identified by Levin (2002), and evaluated by analyzing the sections of the OECSPP law, administrative code, and data in relation to each criterion and design instrument as identified by Levin (2002), a final rating was assigned for the OECSPP within each criteria or design instrument. The final rating was determined by comparing the education policy in the OECSPP with the descriptive indicators that were identified
within each criteria or design instrument of Levin (2002), as described in Chapter II. Each criterion or design instrument was assigned a rating of “strong”, “moderate”, or “weak”. A criterion or design instrument within the education policy of the OECSPP given a rating of “strong” was found to have all of the descriptive indicators addressed. A criterion or design instrument within the education policy of the OECSPP given a rating of “moderate” had at least one descriptive indicator addressed, but not all. A criterion or design instrument within the education policy of the OECSPP given a rating of “weak” had no descriptive indicators addressed. Table 2 summarizes the conventional qualitative content analysis process.

The rating system described above provided a macro look at the OECSPP when compared to each criterion and design instrument. In order to evaluate the OECSPP as a whole, consideration of the micro level was accomplished through examination of critical incidents for each criterion and design instrument. Patton (2002) stated that “critical incidents can constitute self-contained descriptive units of analysis, often presented in order of importance rather than in sequence of occurrence” (p. 439). In order to determine the critical incidents, the researcher totaled the number of descriptive indicators for each criterion and design instrument addressed within the OECSPP policy and then compiled the total amount of critical incidents for the overall OECSPP policy by adding the individual amounts from each criterion and design instrument together. The researcher used the total count of critical incidents to determine the overall alignment of the OECSPP policy with research and theory-based criteria for policy in education voucher programs, and used the degree of alignment determined to make suggestions for future policy, practice, and research. Thus through the use of explanatory nonexperimental research as proposed by Johnson (2001), the researcher determined whether or not the OECSPP was aligned with research and theory-based criteria for policy in education voucher programs.
Table 2.

*Summary of the conventional qualitative content analysis process.*

<table>
<thead>
<tr>
<th>Component</th>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicator(s) (Levin, 2002)</th>
<th>Rating system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of choice</td>
<td>The rights of families to choose schools for their child/ren that are based on their values, education philosophies, religious beliefs, and political outlooks.</td>
<td>(a) Tuition costs covered by vouchers, including special needs; (b) school allowances of varying philosophies, religion practices, and education goals; (c) degree of regulation in admissions, curriculum, and testing; (d) supply of schools; (e) availability and extensiveness of transportation; (f) availability of alternatives to the school of choice.</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive indicators are addressed, but not all: moderate; If no descriptive indicators are addressed: weak.</td>
</tr>
<tr>
<td>Productive efficiency</td>
<td>The maximization of education results for any given resource</td>
<td>(a) Measures relating to academic outcome vs. costs for similar students and student services to produce the outcomes; (b) costs associated with some descriptive...</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive...</td>
</tr>
</tbody>
</table>
Table 2. Continued.

<table>
<thead>
<tr>
<th>Component</th>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicator(s) (Levin, 2002)</th>
<th>Rating system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Equity</td>
<td>The quest for fairness</td>
<td>(a) Identification of populations by categories such as race, income, gender, immigrant or opportunities, resources, language status, and/or geographic region; (b) services available to special education students; (c) access to education opportunities; (d) the quality of the program and peers;</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive indicators are addressed, but not all: moderate; If no descriptive indicators are addressed: weak.</td>
</tr>
</tbody>
</table>
Table 2. Continued.

<table>
<thead>
<tr>
<th>Component</th>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicator(s) (Levin, 2002)</th>
<th>Rating system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social</td>
<td>The provision of a common education experience that will orient all students to grow to adulthood as full participants in the social, political, and economic institutions of society.</td>
<td>(a) Students exposure to history, political institutions, citizen rights, and responsibilities; (b) legal frameworks and institutions; (c) economic institutions and their functions; (d) a common language; (e) interactions with peers, different cultures or perspectives.</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive indicators are addressed, but not all: moderate; If no descriptive indicators are addressed: weak.</td>
</tr>
<tr>
<td>Finance</td>
<td>The overall magnitude</td>
<td>(a) Process for allocation of money; (b)</td>
<td>If all descriptive indicators</td>
</tr>
</tbody>
</table>
Table 2. Continued.

<table>
<thead>
<tr>
<th>Component</th>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicator(s) (Levin, 2002)</th>
<th>Rating system</th>
</tr>
</thead>
<tbody>
<tr>
<td>of the education voucher,</td>
<td>maximum amount of tuition a school can charge.</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive indicators are addressed, but not all: moderate; If no descriptive indicators are addressed: weak.</td>
<td></td>
</tr>
<tr>
<td>how it is allocated, and</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>whether schools can charge more tuition than the voucher.</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Regulation</td>
<td>The requirements set out by the government for eligibility of schools to participate in the program;</td>
<td>If all descriptive indicators are addressed: strong; If some descriptive indicators are addressed, but not all: weak.</td>
<td></td>
</tr>
<tr>
<td></td>
<td>(a) Requirements set by the government for eligibility of schools to participate in the program;</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>(b) rules that must be adhered to by the schools and families utilizing vouchers.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
## Table 2. Continued.

<table>
<thead>
<tr>
<th>Component</th>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicator(s) (Levin, 2002)</th>
<th>Rating system</th>
</tr>
</thead>
<tbody>
<tr>
<td>Support</td>
<td>The types of publicly provided services designed to increase the effectiveness of the market in providing freedom of choice, productive efficiency, and equity.</td>
<td>(a) Providing families with information on the voucher program and (b) providing students transportation</td>
<td>If all descriptive indicators are addressed: <strong>strong</strong>; If some descriptive indicators are addressed, but not all: <strong>moderate</strong>; If no descriptive indicators are addressed: <strong>weak</strong>.</td>
</tr>
<tr>
<td></td>
<td>system as well as other rules that must be followed by schools and families in using the education voucher.</td>
<td></td>
<td><strong>moderate</strong>; If no descriptive indicators are addressed: <strong>weak</strong>.</td>
</tr>
</tbody>
</table>
The researcher employed formative qualitative research as described by Patton (2002) by making inferences and decisions for the purpose of improving the OECSPP and future education policy derived from the theory/ideology, research, and literature presented in Chapter II and the results of the policy analysis in Chapter IV. The researcher used conventional qualitative content analysis by studying the OECSPP law and administrative code and identifying the education policy behind the OECSPP and comparing the education policy to effective education policy in voucher programs. Table 3 below provides a summary of the research question and guiding questions in relation to the data, type of method, and data source for each question.

Summary

Chapters I, II, and III have provided an overview of the OECSPP including a review of the problem statement complete with guiding questions, purpose of the study, research questions, significance of the study, limitations and delimitations, presented a thorough review of theory/ideology, research, and literature, and established the design of the study and methods to be used—it’s time to transition to Chapter IV.

Chapter IV includes the policy analysis procedures and data following the design and methods stated earlier. In Chapter V the researcher will summarize findings, add conclusions, and make recommendations for policy, practice, and future research following from this study.
Table 3.

**Summary of the research question and guiding questions to the data, type of method, and data source(s) of each.**

<table>
<thead>
<tr>
<th>Question</th>
<th>Data</th>
<th>Type of method</th>
<th>Data source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>1. How does the OECSPP address key voucher issues such as: (a) freedom of choice; (b) productive efficiency; (c) equity; (d) social cohesion; (e) finance; (f) regulation; (g) support services? (Levin, 2002)</td>
<td>OECSPP Program Guide</td>
<td>Quantitative and qualitative</td>
<td>ODE website; Director of the OECSSP Nonpublic schools; Statistics from years 1 and 2 of the OECSPP</td>
</tr>
<tr>
<td>2. What are the aspects of an effective policy for education voucher programs?</td>
<td>Theories on voucher programs</td>
<td>Qualitative</td>
<td>Levin (2002),</td>
</tr>
</tbody>
</table>
Table 3. Continued.

<table>
<thead>
<tr>
<th>Question</th>
<th>Data</th>
<th>Type of method</th>
<th>Data source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td>Friedman (1962),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Jencks (1970),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Chubb and Moe (1990),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Metcalf and Legan (2002),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Belfield and Levin (2005),</td>
</tr>
<tr>
<td></td>
<td></td>
<td></td>
<td>Hoenack (1997)</td>
</tr>
</tbody>
</table>
### Table 3. Continued.

<table>
<thead>
<tr>
<th>Question</th>
<th>Data</th>
<th>Type of method</th>
<th>Data source(s)</th>
</tr>
</thead>
<tbody>
<tr>
<td>3. How well does the OECSPP match with the stated policy purposes of voucher programs?</td>
<td>OECSPP Program Guide</td>
<td>Quantitative and Qualitative</td>
<td>ODE Website; Director of the OECSPP</td>
</tr>
<tr>
<td></td>
<td>for Participating Chartered</td>
<td></td>
<td></td>
</tr>
<tr>
<td></td>
<td>Nonpublic schools; Data from year 1 and 2 of the OECSPP</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Chapter IV. Policy Analysis

Chapter IV presents the policy analysis of the Ohio Educational Choice Scholarship Pilot Program (OECSPP) following the research design outlined in detail in Chapter III. The researcher’s purpose of the study was to conduct a comprehensive policy analysis of the OECSPP to determine the level of alignment with research and theory-based criteria for policy in education voucher programs. This analysis was completed by using primarily the comprehensive framework for evaluating education vouchers that was developed by Levin (2002) and supported through the work of others, as described in earlier chapters.

In the policy analysis the researcher evaluated the law and administrative code of the OECSPP and data representing years 1 and 2 of the OECSPP in comparison to the four criteria and three design instruments identified by Levin (2002). The analysis of each criterion and design instrument concluded with a rating, based upon the number of descriptive indicators for effective education voucher policy found in the OECSPP, as described in Chapter III.

This researcher examined the law and administrative code in place for the OECSPP and data of the OECSPP by comparing law, administrative code, and data to the relevant criterion and/or design instrument identified by Levin (2002). Table 4 provides a summary of the relationship between Levin’s (2002) criteria and design instruments and policy language for the law and administrative code of the OECSPP and OECSPP data.
Table 4.

*Relationship between Levin’s (2002) criteria and design instruments and policy language for the law and administrative code of the Ohio Educational Choice Scholarship Pilot Program (OECSPP) and OECSPP data.*

<table>
<thead>
<tr>
<th>Levin (2002)</th>
<th>OECSPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Freedom of choice</td>
<td>3310.04: Transportation of eligible students; 3310.06: Program nonexclusive for students in eligible schools; 3310.08: Amount paid for eligible student-periodic payments-deductions; 3310.09: Maximum award to eligible students; 3310.10: Tuition sole use of scholarship award; 3310.13: Tuition charged by chartered nonpublic schools; 3310-14: Chartered nonpublic schools with enrolled students to administer tests; 3301-11-03: List of designated buildings used in eligibility determination; assignment areas; 3301-11-08: Transfer of scholarship; 3301-11-10: Payment of scholarship amounts; 3301-11-11: Participation by chartered nonpublic schools.</td>
</tr>
<tr>
<td>Equity</td>
<td>3310.02: Educational choice scholarship pilot program established; 3310.03: Eligibility of students to participate in the program; 3310.06: Program nonexclusive for students in eligible schools; 3310.13: Tuition charged by chartered nonpublic schools; 3310.14: Chartered nonpublic</td>
</tr>
</tbody>
</table>
sensitive information redacted
### Table 4. Continued.

<table>
<thead>
<tr>
<th>Levin (2002)</th>
<th>OECSPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Social</td>
<td>3310.03: Eligibility of students to participate in program; 3310.06: Program nonexclusive for students in eligible schools; 3310.14: Chartered nonpublic schools with enrolled students to administer tests; 3301-11-04: Eligibility for program participation; 3301-11-11: Participation by chartered nonpublic schools.</td>
</tr>
<tr>
<td>cohesion</td>
<td>3310.08: Amount paid to an eligible student-periodic payments-deductions; 3310.09: Maximum award to eligible student; 3310.10: Tuition sole use of scholarship award; 3310.13: Tuition charged by chartered nonpublic schools; 3301-11-05: Application for program participation; 3301-11-10: Payment of scholarship amounts; 3301-11-13: Qualified income verification agents.</td>
</tr>
<tr>
<td>Finance</td>
<td>3310.03: Eligibility of students to participate in program; 3310.05: Program not available in district with existing pilot program; 3310.07: Notice of applicant to department; 3310.10: Tuition sole use of scholarship award; 3310.12: Program documents as public records; 3310.13: Tuition charged by chartered nonpublic schools; 3310.14: Chartered nonpublic schools with enrolled students to</td>
</tr>
</tbody>
</table>
Table 4. Continued.

<table>
<thead>
<tr>
<th>Levin (2002)</th>
<th>OECSPPP</th>
</tr>
</thead>
<tbody>
<tr>
<td>Administer tests; 3301-11-04: Eligibility for program participation; 3301-11-05: Application for program participation; 3301-11-09: Termination of eligibility; 3301-11-11: Participation by chartered nonpublic schools; 3301-11-12: Entities designated to file applications; 3301-11-13: Qualified income verification agents; 3301-11-14: Dispute resolution.</td>
<td></td>
</tr>
<tr>
<td>Support services</td>
<td>3310.04: Transportation of eligible students.</td>
</tr>
</tbody>
</table>

*Policy Analysis*

*Freedom of Choice*

Table 5 below displays Levin's (2002) definition of freedom of choice, the descriptive indicators associated with freedom of choice, and the sections of the OECSPPP law, administrative code, and data that the researcher determined to fit into the indicator of freedom of choice.

The first descriptive indicator, tuition costs covered by vouchers, including special needs, was somewhat addressed in 3301-11-10: Payment of scholarship amounts, 3301-11-11: Participation by chartered nonpublic schools, 3310.08: Amount paid for eligible student-periodic
Table 5.

*Summary of the criterion freedom of choice.*

<table>
<thead>
<tr>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicators (Levin, 2002)</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>The rights of families to choose schools for their child/ren that are based on their values, education philosophies, religious beliefs, and political outlooks.</td>
<td>(a) tuition costs covered by vouchers, including special needs; (b) schools allowances of varying philosophies, religion practices, and education goals; (c) degree of regulation in admissions, curriculum, and testing; (d) supply of schools; (e) availability and extensiveness of transportation; (f) availability of alternatives to the school of choice.</td>
<td>3310.04: Transportation of eligible students; 3310.06: Program of Choice nonexclusive for students in eligible schools; 3310.08: Amount paid for eligible student-periodic payments-deductions; 3310.09: Maximum award to eligible students; 3310.10: Tuition sole use of scholarship award; 3310.13: Tuition charged by chartered nonpublic schools; 3310-14: Chartered nonpublic schools with enrolled students to administer tests; 3301-11-03: List of designated buildings used in eligibility determination assignment areas; 3301-11-08: Transfer of scholarship; 3301-11-10: Payment of scholarship amounts; 3301-11-11: Participation by chartered nonpublic schools.</td>
</tr>
</tbody>
</table>
payment-deductions, 3310.09: Maximum award to eligible students, 3310.10: Tuition sole use of scholarship award, and 3310.13: Tuition charged by chartered nonpublic schools.

In section 3301-11-10 of the administrative code and 3310.08 and 3310.09 of the law, for fiscal year 2007, the maximum scholarship amounts were $4250 for students in grades k–8 and $5000 for students in grades 9–12. Starting in fiscal year 2008 and every year thereafter, the maximum amount will be increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code. Section 3301-11-10 also outlines that the each scholarship would be the lesser of the applicable net tuition of the chartered nonpublic school in which the student is enrolled or the maximum amount prescribed in this section of the administrative code. Section 3301-11-10 identifies net tuition to be the tuition amount specified by the chartered nonpublic school minus all financial aid, discounts, and adjustments given to the student (ODE, 2007).

According to section 3301-11-11 of the administrative code, each school must annually notify the ODE of the tuition structure for the school, including all tuition adjustments and discounts offered to all students (ODE, 2007). Section 3301-11-11 of the administrative code and section 3310.13 of the OECSPP law, clearly state that a school may not charge the difference in actual tuition vs. the scholarship amount for students whose family income falls at or below two hundred percent of the federal poverty level (ODE, 2007). Sections 3301-11-11 and 3310.13 also require participating schools to offer volunteer service opportunities or the equivalencies of such opportunities to families of scholarship students who are above two hundred percent of the federal poverty level in lieu of cash payments to cover some or all of the difference in the actual tuition vs. scholarship amount (ODE, 2007).
Section 3310.10 of the OECSPP law states that the scholarship award may be used only for tuition at an approved chartered nonpublic school (ODE, 2007). Thus, the amounts listed above were applied solely toward tuition.

Absent within the law or administrative code for the OECSPP is language about tuition costs for students with special needs. All students who received scholarships through the OECSPP received the same dollar amount dependent on grade level, as identified within the law and administrative code; there is no distinction on the dollar amount for students who have special learning needs.

The second descriptive indicator, schools’ allowances of varying philosophies, religion practices, and education goals is addressed indirectly in 3301-11-11: Participation by chartered nonpublic schools of the administrative code. The OECSPP was designed to allow any chartered nonpublic school whose leadership demonstrates willingness through a signature of the principal or other governing authority to participate in the program provided that it follow the rules set in 3301-11-11 (ODE, 2007). Nowhere in the law or the administrative code is there any language about specific philosophies, religion practices, or educational goals. Because the program is open to any chartered nonpublic school which agrees to follow the rules outlined in 3301-11-11 and because there are many different types of chartered nonpublic schools in Ohio ranging in philosophies, religion practices, and educational goals, this researcher inferred that the OECSPP has been created in a fashion that allows for varying philosophies, religious practices, and education goals.

The third descriptive indicator, degree of regulation in admissions, curriculum, and testing is addressed in 3301-11-11 of the administrative code and 3310.14 of the OECSPP law. Section 3301-11-11 of the administrative code requires that a school abide by its admission
OECSPP Policy Analysis: 73

policy fairly and without discrimination with regard to students who apply for or have been awarded scholarships through the OECSPP (ODE, 2007). Section 3301-11-11 requires chartered nonpublic schools to have available for inspection by ODE personnel records that relate to the school's admission policies (ODE, 2007).

Section 3301-11-11 addresses curriculum and testing. For a school to be eligible to participate in the OECSPP, it must hold a valid charter issued by the State Board of Education (SBOE) under section 3301.16 of the Revised Code, and must be currently in compliance with state operating standards that apply to chartered nonpublic schools as specified in Chapter 3301-35 of the Administrative Code (ODE, 2007). These sections contain rules on curricula that must be taught to each grade level. Sections 3301-11-11 and 3310.14 of the OECSPP law state that each participating school must administer tests to students receiving scholarships who are enrolled in grade levels for which tests are regularly administered pursuant to sections 3301.0710 and 3301.0712 of the Revised Code and the results must be reported to the ODE (ODE, 2007).

While the curriculum and testing aspects of this descriptive indicator are clearly spelled out, the admissions section, while addressed, is very broad and can be defined differently at each participating school. Differing criteria in the admissions processes can lead to students being excluded from the program because they are not accepted into a chartered nonpublic school (a student must first be accepted to a participating chartered nonpublic school before he/she can apply to the OECSPP).

The fourth descriptive indicator, supply of schools, is addressed in 3301-11-03: List of designated buildings used in eligibility determination; assignment areas and in 3301-11-11: Participation by chartered nonpublic schools. Section 3301-11-03 of the administrative code establishes that the ODE will publish a list of public schools that have been declared to be in a
state of academic emergency or watch in two of the three most recent ratings of the building prior to the first day of July of the school year for which the scholarship will be granted. Section 3301-11-03 of the administrative code thus establishes the list of schools that will supply students to the OECSPP (ODE, 2007).

In 3301-11-11, the list of chartered nonpublic schools that have indicated their willingness to participate in the OECSPP by signing off on agreed upon rules is established. Thus, 3301-11-11 of the administrative code establishes the list of schools that students who would like to participate in the OECSPP can apply to for acceptance (ODE, 2007). The OECSPP clearly establishes a supply of schools by identifying in the law and administrative code the schools where students attend who are eligible to apply for a scholarship and the chartered nonpublic schools to which students who are eligible can apply.

Section 3310.04 of the OECSPP law addresses the fifth descriptive indicator, availability and extensiveness of transportation. This section states that students receiving a scholarship through the OECSPP are entitled to transportation to and from the chartered nonpublic school by the student’s resident district as prescribed in section 3327.01 of the Revised Code (ODE, 2007). Thus, students participating in the OECSPP can receive transportation.

Sections 3301-11-11: Participation by chartered nonpublic schools, 3301-11-08: Transfer of scholarship, and 3310.06: Program nonexclusive for students in eligible schools addresses the sixth indicator, availability of alternatives to the school of choice. Section 3301-11-11 established a list of alternative chartered nonpublic schools that participate in the OECSPP; 3301-11-08 establishes the guidelines that must be followed for a student to transfer his/her scholarship from one approved chartered nonpublic school that participates in the OECSPP to
another, as determined by the list of approved chartered nonpublic schools established in 3301-11-11.

Section 3310.06 states that the OECSPPP is one of several educational options available for students enrolled in academic emergency or academic watch schools. Students may also be enrolled in: (a) the student’s resident district, a community school as established in Chapter 3314 of the Revised Code; (b) in another school district through open enrollment established in section 3313.98 of the Revised Code; (c) in a chartered nonpublic school with or without participating in the OECSPPP; or (d) in other schools as the law provides (ODE, 2007). Thus students in the state of Ohio have many alternatives to the public school of their residence area.

Overall, the criterion of freedom of choice was determined to have a rating of moderate. This rating was due to the fact that the OECSPPP policy meets some of the descriptive indicators identified by Levin (2002) at face value (school supply, availability of alternatives to the school of choice, and availability and extensiveness of transportation), and some only partially (tuition costs covered by vouchers, including special needs and the degree of regulation in admissions, curriculum, and testing, and schools’ allowances of varying philosophies, religion practices, and education goals).

Equity

Table 6 summarizes Levin’s definition of equity, the descriptive indicators for equity, and the sections of the OECSPPP law, administrative code, and data that fit into the criterion of equity. The first descriptive indicator, identification of populations by categories, is addressed in 3310.02: Educational choice scholarship pilot program established, 3310.03: Eligibility of students to participate in the program, 3310.13: Tuition charged by chartered nonpublic schools, 3301-11-03: List of designated buildings used in eligibility determination; assignment areas,
Table 6.

*Summary of the criterion equity.*

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
<td></td>
</tr>
<tr>
<td>&quot;The quest for fairness in access to educational opportunities, resources, and outcomes by gender, race, social class, language origins, and geographical location of students in the United States.&quot;</td>
<td>(a) identification of populations by categories such as race, income, gender, immigrant or language status, and/or geographic region; (b) services available to special education students; (c) access to education opportunities; (d) the quality of the program and peers; (e) probable education outcome of students.</td>
<td>(a) 3310.02: Educational choice scholarship pilot program established; (b) 3310.03: Eligibility of students to participate in the program; (c) 3310.06: Program nonexclusive for students in eligible schools; (d) 3310.13: Tuition charged by chartered nonpublic schools; (e) 3310.14: Chartered nonpublic schools with enrolled students to administer tests; (f) 3301-11-03: List of designated buildings used in eligibility determination; assignment areas; (g) 3301-11-04: Eligibility for program participation; (h) 3301-11-07: Awarding scholarships; (i) 3301-11-11: Participation</td>
</tr>
</tbody>
</table>
Table 6. Continued.

<table>
<thead>
<tr>
<th>Definition (Levin, 2002)</th>
<th>Descriptive indicators (Levin, 2002)</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td>by chartered nonpublic schools; (j) 3301-11-13: Qualified income verification agents; (k) ODE data: Total number of scholarships applied for and awarded; (l) ODE data: Total number of scholarships terminated during the school year; (m) ODE data: Total number of scholarships remaining at the end of the school year; and (n) ODE data: Total number of scholarships renewed from year 1 to year 2 of the program.</td>
</tr>
</tbody>
</table>
Provision 3310.02 of the OECSPP law identifies student populations by income once the total number of applicants exceeds the total number of scholarships available. If there are more than 14,000 eligible students, this part of the law calls for scholarships to be awarded first to students who received them the previous year, second to students whose family income falls at or below 200% of the federal poverty guidelines, and third, to any other eligible students. For scenarios two and three above, scholarships are awarded by lot if the eligible number of students in each category exceeds the number of scholarships available. (ODE, 2007)

Sections 3310.03 and 3301-11-04 list eligibility requirements for students to participate in the OECSPP. For a student to be eligible, the following must apply: (a) The student must be enrolled in a building that is operated by the student’s resident district and which has been identified by the ODE in two of the previous three school years as in academic emergency or academic watch. The school must not have been identified as excellent or effective in its most recent state report card; (b) The student is eligible to enroll in kindergarten and will be assigned to a school building listed above in (a); (c) The student is enrolled in a community school (charter school) but would otherwise be assigned to a school described in (a) above; (d) The student is eligible to enroll in kindergarten or is enrolled in a community school and all of the following apply to the student’s resident district: (1) The district has an intradistrict enrollment policy under which no student in kindergarten or community school student’s grade level is automatically assigned to a particular school; (2) In two of the last three school years the district was identified as being in a state of academic emergency; (3) The district was not declared to be excellent or effective in its most recent rating. Additionally, section 3301-11-03 of the
administrative code requires that a list of buildings whose students are eligible to apply to the OECSPP based upon the criteria listed above be made available. (ODE, 2007)

Once a student receives a scholarship from the OECSPP, he/she may continue to receive scholarships in subsequent school years until he/she completes grade twelve, provided the following apply: (1) The student remains a resident of the school district or transfers to a new resident district and otherwise would be assigned in the new resident district to a building described in (a) above; (2) While enrolled in the charter nonpublic school, the student takes each state test prescribed for the student's grade level as defined by the Ohio Revised Code; and (3) The student is not absent from school any more than 20 days for any school year, excluding excused absences (ODE, 2007). The major categories by which populations are identified in the OECSPP under 3310.03, 3301-11-03, and 3301-11-04 are individual school rankings and the students who attend those schools, as determined under section 3302.02 of the Revised Code. Section 3301-11-04 identifies populations by geographic region due to the fact that students who were residents of the Cleveland Municipal School district were not eligible for the OECSPP because they were a part of a different scholarship and tutoring program established by the state.

Section 3310.13 of the OECSPP law establishes that participating chartered nonpublic schools cannot charge a student whose family is at or below 200% of the federal poverty guidelines tuition that exceeds the total amount paid by the scholarship through the OECSPP. This provision allows for families whose income is above the federal poverty guidelines to pay the difference between the tuition and scholarship or to do volunteer service in lieu of cash payments (ODE, 2007). Thus, this provision of the law distinguishes student populations for the OECSPP according to income. Section 3301-11-13 establishes provisions for income-verification agents. The creation of these provisions has helped to ensure that students are
identified by income only if the total number of applicants exceeds the total number of scholarships available. (ODE, 2007)

The OECSPP law and administrative code clearly identify student populations eligible for scholarships. The primary method used to identify the student populations is through school rating, but the language of the law and administrative code also address identification of student populations by both income and geographic region. A caveat within this descriptive indicator is found within sections 3310.03 and 3301-11-04, wherein students who attend a community school but who would otherwise be assigned to a public school where the students are eligible for the OECSPP are eligible for the OECSPP. This provision allows for students who are not attending a public school in academic watch or emergency to be eligible for the OECSPP, but does not provide the same opportunity for students whose parent/guardian(s) have chosen to send them to a private school when otherwise they would be assigned to a public school where the students are eligible for the OECSPP. This provision identifies students according to attendance at private vs. public schools, however; no reason is stated for this distinction in the OECSPP law or administrative code.

The second descriptive indicator, services available to special education students, is not addressed within the OECSPP law, administrative code, and/or data.

The third descriptive indicator, access to educational opportunities, is addressed in 3310.06: Program nonexclusive for students in eligible schools, 3301-11-07: Awarding scholarships, and the ODE data on the total number of scholarships applied for and awarded. In 3310.06, the OECSPP is identified as one of several education options available for students enrolled in academic emergency or academic watch schools. Other educational options are
community schools, open enrollment to another school district, and chartered nonpublic schools without a scholarship through the OECSP. (ODE, 2007)

Section 3301-11-07 lists provisions for awarding scholarships. Within this section of the administrative code for educational opportunities is the number of scholarships available per year (14,000) and the processes involved if the number of eligible applicants is greater than the number of scholarships available. The data from the first two years of the program indicate that the number of applications and the total number of scholarships awarded during each of the first two years were far under the total number of scholarships available, which meant that all students who were determined to be eligible upon application were awarded a scholarship, although not all chose to use it. There are other educational options for students who are attending schools rated as under academic emergency or academic watch. The fact that for the first two years of the OECSP all students determined to be eligible upon application were awarded a scholarship, shows that the OECSP allows students access to educational options.

The fourth descriptive indicator, the quality of the program and peers, is addressed in 3310.03: Eligibility of students to participate in the program, 3310.14: Chartered nonpublic schools with enrolled students to administer tests, 3301-11-04: Eligibility for program participation, and 3301-11-11: Participation by chartered nonpublic schools. Sections 3310.03 and 3301-11-04 define the guidelines for student eligibility, as listed earlier. Section 3301-11-11 identifies the chartered nonpublic schools that are eligible to participate in the OECSP. Based on the schools that students come from to participate in the OECSP vs. the schools the students in the OECSP can attend, inferences can be made as to the quality of peers.

In sections 3310.14, 3301-11-04, and 3301-11-11, the chartered nonpublic schools that participate in the OECSP are mandated to administer annually the tests prescribed by sections
3301.0710 or 3301.0712 of the Revised Code. Results of the tests for each scholarship student must be reported to the ODE. The test results provided are one way that the quality of the program can be measured.

Section 3301-11-11 outlines criteria that leaders in each participating nonpublic school must meet in order to be eligible to participate in the program. Those criteria include a valid charter issued by the SBOE, compliance with the state operating standards that apply to chartered nonpublic schools, administration of state tests to students receiving scholarships through the OECSPP, that availability of records pertinent to the effective implementation of the OECSPP be made available to department personnel on announced or unannounced visits, compliance with the school’s admission policy fairly and without discrimination, information and records related to school staff and volunteers, information and records related to school policies and procedures, and building, vehicle, and operational safety reports (ODE, 2007). The presence of each of these sections helps verify the quality of schools in which the students who are part of the OECSPP are enrolled.

The quality of the OECSPP is addressed more clearly through the OECSPP law and administrative code when compared with the quality of peers through the OECSPP. There are clear guidelines presented in the law and administrative code to help make judgments about program quality, whereas the information provided in the OECSPP law and administrative code provided only for subjective interpretations of peer quality.

The fifth descriptive indicator, probable education outcome of students, was addressed through data provided by the ODE. The data included the number of scholarships terminated during each of the first two school years, the total number of scholarships remaining at the end of each school year, and the total number of scholarships renewed from year 1 to year 2 of the
program. The data showed that in each of the first two years of the OECSPP 13% of the scholarships awarded were terminated; thus 87% of the scholarships awarded during each of the first two years of the OECSPP remained at the end of each school year (ODE, 2007). Of the students who finished the first year of the OECSPP with a scholarship, 95% renewed the scholarship for the second year of the program (ODE, 2007).

Even though the program is in its early stages, the probable outcome for students from year one to year two was high, based on the fact that 83% of the students who initially received a scholarship in year one of the program had their scholarship renewed for year two. In order for a student to have had the scholarship renewed, he/she had to have met the academic, discipline, and attendance requirements set forth by the chartered nonpublic school he/she was attending, as well as the attendance requirements set forth in the OECSPP law and administrative code. Thus, students who had their scholarships renewed must be succeeding to some extent in their new chartered nonpublic school.

Of concern is the 13% of students who had their scholarships terminated during the course of year one or year two of the program, and the 17% who were initially granted a scholarship through the program, but did not receive a scholarship in year two. The probable outcome for these students was not as high as for the students who remained part of the program. This researcher was not able to draw conclusions as to why these students’ outcomes were unfavorable since information such as individual student test scores, GPAs, discipline records, and attendance records are not available from the ODE.

Overall, a moderate rating was assigned to equity. While the law, administrative code, and data regarding the OECSPP clearly addressed the descriptive indicators of identification of populations by categories such as race, income, gender, immigrant or language status, and/or
geographic region and access to educational opportunities, they were not as clear on the quality of the program and peers and probable outcomes for students. Finally, the services available to special education students were absent in the OECSPP.

**Productive Efficiency**

Table 7 below summarizes Levin’s definition of productive efficiency, the descriptive indicators for productive efficiency, and the sections of the OECSPP law, administrative code, and data determined by the researcher to fit into the criterion of productive efficiency.

In sections 3310.14 and 3301-11-11, it is stated that chartered nonpublic schools that participate in the OECSPP must administer state testing annually to all scholarship recipients. The test results are the only standard that is a constant in both the public schools and the chartered nonpublic schools by which to measure academic outcome. However, the total number of scholarships terminated during the course of year 1 and year 2 of the program also lend some insight into the academic outcome of students who are part of the OECSPP. As the data demonstrated, 13% of the recipients in each year did not finish the year in the program.

Sections 3310.09 and 3301-11-10, explain designated dollar amounts for all scholarship recipients. In 3310.13 and 3301-11-11 participating schools are not permitted to charge additional money above the scholarship amount for families who are at or below 200% of the federal poverty guidelines, and each school must provide volunteer opportunities for families above the federal poverty guidelines in lieu of cash payments, if the family so chooses. In addition, section 3301-11-10 establishes that the amount a school receives will be the lesser of the actual tuition cost or the maximum amount awarded through the OECSPP. (ODE, 2007)
Even though a participating chartered nonpublic school may have a tuition that costs more than the scholarship amount available through the OECSPP and even though the allocation of money for each student is a higher dollar amount for the public school, usually between
Table 7.

Summary of criterion productive efficiency.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
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</table>

"The maximization of education results for any given resource and student services to produce the outcomes; (b) costs associated with monitoring and advertising the program distinguished from the cost at the school site."

(a) 3310.02: Educational choice scholarship pilot program established; (b) 3310.09: Maximum award to eligible student; (c) 3310.13: Tuition charged by chartered nonpublic schools; (d) 3310.14: Chartered nonpublic schools with enrolled students to administer tests; (e) 3301-11-10: Payment of scholarship amounts; (f) 3301-11-11: Participation of chartered nonpublic schools; and (g) ODE data: Total number of scholarships terminated during the course of the school year.
$5000-$6000 per student without a disability and more for students with disabilities (ODE, 2008), chartered nonpublic schools must make due with less. It is too early in the administration of the OECSPP to determine academic outcomes of the students who attend the participating chartered nonpublic schools, however; chartered nonpublic schools have demonstrated positive results with reduced funding for the average student and significantly reduced funding for students with special needs.

The second descriptive indicator, costs associated with monitoring and advertising the program separate from the cost at the school site, is not addressed fully in the OECSPP law, administrative code, or data. As mentioned earlier, the actual amount of money that a participating chartered nonpublic school receives for a student on a scholarship is predetermined and the same for each student depending on grade level. Nowhere in the law, administrative code, or data are dollar amounts allocated for the monitoring and advertising of the OECSPP. The OECSPP law clearly establishes in section 3310.02 that 14,000 scholarships are available each year. The scholarship amount has been separated from the cost of monitoring and advertising the program.

Overall, productive efficiency was rated weak. This rating was given because neither descriptive indicator described by Levin (2002) for productive efficiency was clearly present in the OECSPP law, administrative code, or data. While the OECSPP law and administrative code establishes the use of state tests as a measure of academic outcome, the scholarship amount a chartered nonpublic school receives for a student and the guidelines that chartered nonpublic schools must adhere to regarding differences in actual tuition cost when compared to the OECSPP scholarship amount, other segments of the two descriptive indicators for productive
efficiency are not clearly defined or absent. Furthermore, costs associated with monitoring and advertising the program were absent.

**Social Cohesion**

Table 8 below summarizes Levin’s (2002) definition of social cohesion, the descriptive indicators for social cohesion, and the sections of the OECSPP law and administrative code determined by the researcher to fit into the criterion of social cohesion.

The first four descriptive indicators, (a)–(d) above are addressed in sections 3310.14 and 3301-11-11. Section 3310.14 outlines the provision for all students who participate in the OECSPP to take state tests annually. In 3301-11-11, it is stated that participating chartered nonpublic schools must hold a valid charter issued by the SBOE and must be in compliance with state operating standards that apply to chartered nonpublic schools (ODE, 2007). The four descriptive indicators listed above are in one shape or another outlined in the state operating standards that specify the curriculum to which chartered nonpublic schools must adhere. Students in the OECSPP are educated about history, political institutions, citizen rights, responsibilities within political and legal systems, legal frameworks and institutions, economic institutions and their functions, and a common language that is similar to the basic curricula as students do who are not part of the OECSPP and attend public schools.

The fifth descriptive indicator, interactions with peers of different cultures or perspectives, is partially addressed in sections 3310.03, 3310.06, 3301-11-04, and 3301-11-11. In 3310.03 and 3301-11-04, the eligibility of students for the OECSPP is spelled out, as described earlier in this chapter. These two sections indicate that students eligible to apply to the OECSPP may have in their new chartered nonpublic school some peers who were present at the public school that was determined to be a failure.
Table 8.

Summary of the indicator social cohesion.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
<td></td>
</tr>
<tr>
<td>“The provision of a common education experience that will orient all students to grow to adulthood as full participants in the social, political, and economic institutions a common language; and (e) interactions with peers, different cultures or perspectives.”</td>
<td>(a) students exposure to history, political institutions, citizen rights, and responsibilities within the political and legal systems; (b) legal frameworks administer tests; (c) 3310.14: Chartered nonpublic schools with enrolled students to and institutions; (e) 3301-11-04: Eligibility for program participation; and (d) 3301-11-11: Participation by chartered nonpublic schools.</td>
<td></td>
</tr>
</tbody>
</table>
Section 3310.06 spells out the other options available to students who are attending schools in academic emergency or watch. Those options have been identified earlier in this chapter. In addition, 3301-11-11 requires that the ODE establish a list of eligible participating chartered nonpublic schools. Based on both 3310.06 and 3301-11-11, a parent/guardian is able to choose the school setting he/she feels is best for his/her child to allow for maximum interaction with peers, different cultures, or perspectives. Absent in the OECSPP law and administrative code is language that prohibits a chartered nonpublic school from teaching only a single culture or perspective. Thus, even though a parent/guardian could choose a chartered nonpublic school for his/her child, exercising freedom within the teaching of culture or perspectives, once that choice is made, the tolerance of different cultures or perspectives may be limited within the chartered nonpublic school.

Thus social cohesion is rated as moderate. The OECSPP law and administrative code outline a basic curriculum that must be taught to meet the needs expressed according to the first four descriptive indicators identified by Levin (2002) through reference to the Ohio Revised Code, but the law and administrative code do not require chartered nonpublic schools to be tolerant of and/or to teach different cultures or perspectives. The more stringent the teaching of cultures or perspectives, the less likely a student will have interactions with peers different from him/her.

**Finance**

Table 9 below summarizes Levin’s definition of finance, the descriptive indicators for finance, and the sections of the OECSPP law and administrative code determined by the researcher to fit into the design instrument finance.
Table 9.

*Summary of the design instrument finance.*

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
<td></td>
</tr>
<tr>
<td>&quot;The overall magnitude of the education voucher, how it is allocated, and whether schools can charge more tuition than the voucher provides.&quot;</td>
<td>(a) the process for allocation of money; and (b) maximum amount of tuition a school can charge.</td>
<td>(a) 3310.08: Amount paid to an eligible student-periodic payments -deductions; (b) 3310.09: Maximum award to eligible student; (c) 3310.10: Tuition sole use of scholarship award; (d) 3310.13: Tuition charged by chartered nonpublic schools; (e) 3301-11-05: Application for program participation; (f) 3301-11-10: Payment of scholarship amounts; and (g) 3301-11-13: Qualified income verification agents.</td>
</tr>
</tbody>
</table>
The first descriptive indicator, process for allocation of money, is addressed in 3310.08, 3310.09, 3310.10, and 3301-11-10. Sections 3310.08 and 3301-11-10 establish the methods of payment in the OECSPP law and administrative code. These sections of law and administrative code state that an eligible student will receive the lesser of the tuition of the chartered nonpublic school he/she attends or the maximum amount for a scholarship established in the OECSPP law. In addition, the OECSPP law and administrative code details that payments are to be made to the parent or student directly (if the student is 18 years of age or greater). The administrative code establishes that payments are to be mailed to the address provided by the chartered nonpublic school. The payments are periodic and partial. These sections of the law and administrative code contain language that allows the ODE to reduce or terminate payments for a student who withdraws from the chartered nonpublic school prior to the end of the school year. The law establishes that the money for student scholarships ($2700 for kindergarten and $5200 for grades 1–12) is to be directly deducted from the eligible students' public school district of residence state funding. The law establishes that a student who leaves the OECSPP and returns to his/her public school district-of-residence will have his/her funding for the public school restored proportionally. Finally, the administrative code establishes that in cases where discounts are offered for multiple students in the same family and not all students are scholarship recipients, that the scholarship amount be the lowest tuition the family is charged. The administrative code establishes a reconciliation period each school year to take care of overpayments. (ODE, 2007)

Sections 3310.09 and 3301-11-10 establish dollar amounts for the scholarships. Students participating in the OECSPP in grades k–8 received scholarships for $4250 while students in grades 9–12 received scholarships for $5000. These sections of the law and administrative code establish that in fiscal year 2008 and each fiscal year thereafter, the maximum award amount
would increase by the same percentage the general assembly increased the formula amount. (ODE, 2007)

Section 3310.08 of the OECSPP law states that funding for the public school district attended by a student eligible for the OECSPP will be reduced by $2700 for kindergarten students and $5200 for students in grades 1–12 even though the actual scholarship amounts paid to the chartered nonpublic school are a maximum of $4250 for students in grades k–8 and $5000 for students in grades 9–12, as established in 3310.09 and 3301-11-10. Unless a student is in kindergarten at a chartered nonpublic school that charged tuition over $2700, the state is actually saving money on what it would have paid for each student if he/she had stayed in the public school.

In 3310.10, the OECSPP law establishes that a scholarship awarded through the OECSPP can be used only for tuition at a chartered nonpublic school (ODE, 2007). The Director of Nonpublic Educational Options at the ODE indicated that payments are made three times per year (October, January, and April) (S. Cosmo, personal communication, November 18, 2008).

As shown in sections 3310.08, 3310.09, 3310.10, 3301-11-10 and through direct communication with the Director of Nonpublic Educational Options at the ODE, the way that money is allocated for the OECSPP is clearly defined. The law and administrative code call for stringent guidelines regarding the origin of the money for the scholarships, how much is paid and to whom, how many times it is paid, how prorations occur for both the public school and chartered nonpublic school, and how overpayments are reconciled.

The second descriptive indicator, maximum amount of tuition a school can charge, is addressed in sections 3310.13, 3301-11-05, and 3301-11-13. In 3310.13, the OECSPP law establishes that a chartered nonpublic school may not assess a student whose family is at or
below 200% of the federal poverty guidelines regarding any additional tuition charges above the scholarship amount the student received. The law also states that students above 200% of the federal poverty guidelines may be charged the difference between actual tuition and the scholarship amount. However, this same provision in the law indicates that the family has a right to opt to volunteer at the school to cover the difference in lieu of paying cash. (ODE, 2007)

To verify the income level of a scholarship recipient, sections 3301-11-05 and 3301-11-13 establish language for the use of income verification agents to determine whether a student is above, at, or below 200% of the federal poverty guideline (ODE, 2007). The answer to the second descriptive indicator, can a school charge more tuition than the voucher covers, is outlined in the law and administrative code of the OECSP.

In conclusion, the design instrument of finance was rated strong. The OECSP law and administrative code addressed the two descriptive indicators identified by Levin (2002) for finance thoroughly, as discussed above.

**Regulation**

Table 10 below summarizes Levin’s definition of regulation, the descriptive indicators for regulation, and the sections of the OECSP law and administrative code determined by the researcher to fit into the design instrument regulation.

Sections 3310.03, 3310.05, 3301-11-04, and 3301-11-11 address the first descriptive indicator (a). In 3310.03 and 3301-11-04, the law and administrative code identifies students who are eligible for the OECSP based upon the rating assigned to the school they are presently attending. Section 3310.05 establishes that students who reside in the Cleveland Municipal School District, where a pilot project scholarship program is already in place, are not eligible for the OECSP. Requirements for chartered nonpublic school leaders who wish to participate in the
### Table 10.

**Summary of design instrument regulation.**

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
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<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
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<tr>
<td>Requirements set out by the government for eligibility of schools to participate in the program; and (b) rules that must be adhered to by the schools and system, as well as other families utilizing vouchers.</td>
<td>(a) requirements set by the government for eligibility of schools to participate in the program; (b) 3310.05: Program not available in district with existing pilot program; (c) 3310.07: Notice of applicant to department; (d) 3310.10: Tuition sole use of scholarship award; (e) 3310.12: Program documents as public records; (f) 3310.13: Tuition charged by chartered nonpublic schools; (g) 3310.14: Chartered nonpublic schools with enrolled students to administer tests; (h) 3301-11-04: Eligibility for program participation; (i) 3301-11-05: Application for program participants; (j) 3301-11-09:</td>
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Table 10. Continued.

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECSP law, administrative code, and data</th>
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<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
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<tr>
<td></td>
<td></td>
<td>Termination of eligibility; (k) 3301-11-11: Participation by chartered nonpublic schools; (l) 3301-11-12: Entities designated to file applications; (m) 3301-11-13: Qualified income verification agents; and (n) 3301-11-14: Dispute resolution.</td>
</tr>
</tbody>
</table>
OECSPP are identified in 3301-11-11. Thus, the first descriptive indicator for regulation clearly establishes guidelines for determining which students are eligible, while also establishing requirements for chartered nonpublic school leaders who want their school to participate in the program.

The second descriptive indicator, (b), is addressed in sections 3310.03, 3310.07, 3310.10, 3310.12, 3310.13, 3310.14, 3301-11-04, 3301-11-05, 3301-11-09, 3301-11-11, 3301-11-12, 3301-11-13, and 3301-11-14. In 3310.03 and 3301-11-04, the OECSPP law and administrative code state that students who receive a scholarship one year remain eligible to receive scholarships through grade twelve, as long as the student (a) remains a resident of the district or (b) transfers to a new district and is assigned to a school that is OECSPP eligible, (c) the student takes each state test prescribed for the student’s grade level, and (d) the student is not absent more than 20 days, not including excused absences (ODE, 2007).

Section 3310.07 of the OECSPP law establishes a process for applicants to notify the ODE of the student’s name, parent or guardian’s name and address, the name of the chartered nonpublic school the student will be attending, and the tuition charged by the chartered nonpublic school (ODE, 2007). According to the language in 3310.07, a student must be accepted to a chartered nonpublic school before an application to the OECSPP can be made. Section 3301-11-12 of the OECSPP administrative code establishes that the chartered nonpublic school that accepts the student is authorized to file the student’s application if the applicant so designates in writing (ODE, 2007).

The application process is further detailed in 3301-11-05 of the OECSPP administrative code such that (a) the components of the application, (b) the need to submit an application each year after the initial scholarship was awarded, (c) the need to verify income if a parent indicates
that the family income level is at or below 200% of the federal poverty guidelines, and (d) a series of items to which recipients must agree are established. These items include: (a) notification to the ODE of any income level or address changes, (b) the receipt of and understanding of the chartered nonpublic school’s handbook, (c) an agreement to abide by the OECSPP dispute resolution process identified in section 3301-11-14 of the administrative code, and (e) an understanding that the scholarship may be applied only for tuition and the applicant must apply for any and all financial aid or tuition discounts and adjustments made available to students attending the chartered nonpublic school (ODE, 2007).

Section 3310.10 of the OECSPP law details the rule that families receiving the scholarship and schools accepting it can apply it to tuition only (ODE, 2007). Section 3310.12 of the OECSPP law indicates that records the ODE holds in regard to the OECSPP are considered public under section 149.43 of the Revised Code (ODE, 2007). Section 3310.13 of the OECSPP law deals with the amount of tuition a chartered nonpublic school may charge over the scholarship amount. Each of these three sections of the OECSPP law make clear the rules that both schools and parents must follow to participate in the OECSPP.

Section 3310.14 indicates that participating chartered nonpublic schools must administer annual state tests at the appropriate grade levels to students receiving scholarships through the OECSPP in accordance with section 3301.01 or 3301.0712 of the Revised Code. This section also requires each chartered nonpublic school to report the results to the ODE (ODE, 2007). Section 3301-11-09 states that a student will not lose his/her scholarship for not taking the appropriate grade-level test if it were found that the charted nonpublic school had failed to meet its obligation. It also establishes grounds on which OECSPP eligibility may be terminated: (a) inaccurate information on an application and (b) withdrawal or expulsion from the chartered
nonpublic school and failure to enroll in another OECSPP participating chartered nonpublic school within thirty calendar days (ODE, 2007).

Section 3301-11-11 sets forth rules that participating chartered nonpublic schools must adhere to. Section 3301-11-13 establishes how an income verification agency could become a qualified agency under the OECSPP for the verification of family financial information. Section 3301-11-13 authorizes the ODE to develop a schedule of amounts to be paid for verification services to defray the costs incurred by applicants (ODE, 2007).

Section 3301-11-14 establishes the dispute-resolution process to be used if a question were to arise about a student’s eligibility or other aspects of the operation of the program. The dispute resolution process gives final authority to the ODE. This section specifies that the ODE has 30 days to review documents submitted by the aggrieved parties and make a final determination (ODE, 2007). This dispute resolution process pertains to both parents and chartered nonpublic schools.

The OECSPP law and administrative code is overflowing with rules that must be followed by the schools and families using vouchers; thus, the OECSPP has met the requirements of the second descriptive indicator for regulation as defined by Levin (2002). Therefore, the design instrument of regulation is rated strong because both descriptive indicators for regulation were met within the OECSPP law and administrative code.

Support Services

Table 11 below summarizes Levin’s definition of support services, the descriptive indicators for support services, and the sections of the OECSPP law and administrative code determined by the researcher to fit into the design instrument support services.
Table 11.

*Summary of design instrument support services.*

<table>
<thead>
<tr>
<th>Definition</th>
<th>Descriptive indicators</th>
<th>OECDSPP law, administrative code, and data</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td>(Levin, 2002)</td>
<td></td>
</tr>
<tr>
<td>&quot;Publicly provided services designed to increase the effectiveness of the market in providing freedom of choice, productive efficiency, and equity.&quot;</td>
<td>(a) providing families with information on the voucher program; and (b) providing students with transportation.</td>
<td>3310.04: Transportation of eligible students.</td>
</tr>
</tbody>
</table>
The first descriptive indicator, providing families with information on the voucher program, is not addressed in the OECSPP law or administrative code. The Director of Nonpublic Educational Options at the ODE indicated that during the first year of the program, mailing lists were requested by and received from officials at schools where eligible students attended. The Director indicated that some mailings were made to eligible families. For the second year of the program, according to the Director, the budget for this type of communication was eliminated. The Director stated that while outside agencies continue to distribute information to parents about the OECSPP, the ODE no longer does (S. Cosmo, personal communication, November 18, 2008).

Section 3310.04 addresses the second descriptive indicator, providing students with transportation: Any student who received a scholarship through the OECSPP and was enrolled in a chartered nonpublic school is entitled to transportation to and from the chartered nonpublic school by the student’s resident district as prescribed in section 3327.01 of the Revised Code (ODE, 2007).

The design instrument of support services was rated moderate. The OECSPP law and administrative code lacks components that address dissemination of information about the program to eligible students. Information sharing by the ODE about the program has been discontinued due to budget cuts. However, the issue of student transportation is clearly addressed in the OECSPP law in a positive manner for students.

Table 12 summarizes the rating results of the four criteria and three design instruments.
Table 12.

*Summary of findings for the four criteria, three design instruments.*

<table>
<thead>
<tr>
<th>Criteria and design instrument</th>
<th>Rating</th>
<th>Critical incidents</th>
</tr>
</thead>
<tbody>
<tr>
<td>(Levin, 2002)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Freedom of Choice</td>
<td>Moderate</td>
<td>3/6</td>
</tr>
<tr>
<td>Equity</td>
<td>Moderate</td>
<td>2/5</td>
</tr>
<tr>
<td>Productive Efficiency</td>
<td>Weak</td>
<td>0/2</td>
</tr>
<tr>
<td>Social Cohesion</td>
<td>Moderate</td>
<td>4/5</td>
</tr>
<tr>
<td>Finance</td>
<td>Strong</td>
<td>2/2</td>
</tr>
<tr>
<td>Regulation</td>
<td>Strong</td>
<td>2/2</td>
</tr>
<tr>
<td>Support Services</td>
<td>Moderate</td>
<td>1/2</td>
</tr>
</tbody>
</table>

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Summary

Chapters I–IV have provided an overview of the OECSPP, established a problem statement complete with guiding questions, the purpose of the study, research questions. They have given the significance of the study, discussed limitations and delimitations, presented a thorough review of theory/ideology, research, and literature, established the design of the study.
and methods to be used, and presented the OECSPP policy analysis. In Chapter V, the researcher summarizes the findings, draws conclusions, discusses salient points, and makes recommendations for policy, practice, and future research.
Chapter V. Summary of Findings, Conclusions, and Recommendations

Introduction

The findings presented in detail in Chapter IV are summarized and conclusions on whether the Ohio Educational Choice Scholarship Pilot Program (OECSPP) is aligned with research and theory-based criteria for policy in education voucher programs are discussed in this final chapter. In addition, recommendations for policy, practice, and future research are presented.

The researcher’s purpose for this study was to conduct a comprehensive policy analysis of the OECSPP to assess how well the policy was aligned with research and theory-based criteria for policy in education voucher programs, using primarily the work of Levin (2002), who developed a comprehensive framework for evaluating education vouchers. This analysis is both timely and important because it provides the first step in an evaluation of the OECSPP, as described by Fowler (2004). That is, before a full evaluation of the OECSPP can be completed, a comprehensive analysis of the policy behind should be completed. The researcher completed such a comprehensive analysis of the OECSPP policy, setting the stage for a program evaluation to take place by another researcher at a later time.

This comprehensive policy analysis was an independent review analysis in that this researcher was not connected to the OECSPP or the Ohio Department of Education (ODE). This analysis was primarily completed by comparing the OECSPP to conceptualizations of Levin (2002), relative to the policy issues that urge privatization. Levin’s (2002) comprehensive framework was found in a review of literature for this study and incorporates the work of other researchers, including Chubb and Moe (1990), Friedman (1962), Hoenack (1997), Jencks (1970), and Metcalf and Legan (2002). It is supported in later work by Belfield and Levin (2005).
This study was primarily a formative evaluation using preexisting quantitative and qualitative data. Based on the design framework of Johnson (2001), this study included quantitative explanatory nonexperimental research. The qualitative components of this study are formative qualitative research and conventional content analysis.

In this study, the researcher analyzed the OECSPP law and administrative code and attempted to make sense of it by identifying the education policy behind the OECSPP and determining its level of alignment with research and theory-based criteria for policy in education voucher programs. The sections of the OECSPP law, administrative code, and data were first placed into the appropriate criterion or design instrument as identified by Levin (2002) and then evaluated in relation to that criterion or design instrument. A final rating was assigned to the OECSPP within each criteria or design instrument.

The final rating was determined by comparing the education policy detailed within the OECSPP with the descriptive indicators that were identified within each criteria or design instrument, as described in Chapter II and summarized in Table 2. Each criterion or design instrument was assigned a rating of "strong", "moderate", or "weak". A criterion or design instrument (within the education policy of the OECSPP) given a rating of "strong" was found to have all of the descriptive indicators addressed, a criterion or design instrument given a rating of "moderate" was found to have at least one descriptive indicator addressed, but not all, and a criterion or design instrument given a rating of "weak" was found to have no descriptive indicators addressed.

Once each criterion and design instrument was analyzed and rated, the researcher identified the number of critical incidents within each criterion and design instrument and then totaled the amount for the entire OECSPP. The number of critical incidents was determined by
identifying how many descriptive indicators were addressed in the OECSPPP policy within each
criterion and design instrument. The critical incidents were important because the overall rating
for each criterion and design instrument presented a macro look at the OECSPPP policy while the
critical incident count provided a micro view of the policy. The critical incidents served as a
springboard for determining the alignment of the OECSPPP with research and theory-based
criteria for policy in education voucher programs and providing the information needed for a
complete analysis of the OECSPPP policy. A summary of the findings is presented in Table 12.

Conclusions

No Child Left Behind (NCLB) (No Child Left Behind [NCLB PL 107-110], 2002) has
created opportunities for school choice options for parent/guardian(s) because of the law’s
provisions that designate public school failure if they do not meet certain criteria. While
Sweetland (2002) identified many forms of school choice and Fowler (2003) described how
rapidly school choice has evolved in the last 25 years, the issue of school choice remains hotly
debated. This study focused on one type of school choice, vouchers, and focused on one
particular pilot program, the OECSPPP. While there are many proponent views of vouchers
(Belfield & Levin, 2005; Fowler, 2003; Kennedy, 2001; Metcalf & Legan, 2002; Nechyba, 2007;
O’Brien, 2001) there are as many views shared by opponents: (Bodemar, 1996; Fowler, 2003;
Glass, 2008; Green, 2001; Kennedy, 2001; Metcalf & Legan, 2002; McEwan, 2000; O’Brien,
2001). Many studies have been conducted on voucher programs (Brownson, 2001; Camilli and
Bulkley, 2001; Carnoy, 2001; Forster, 2008; Greene et al., 1996; Greene et al., 1997; Greene &
Winters, 2003; Harris, 2001; Howell et al., 2000; Ladd & Glennie, 2001; Lubienski, 2008;
Metcalf, 1998; Metcalf et al., 2003; Plucker et al., 2006; Rouse, 1998; Witte, Sterr, & Thorn,
1995) and many frameworks suggested for how voucher programs should be structured and
evaluated (Belfield & Levin, 2005; Chubb and Moe, 1990; Friedman, 1962; Hoenack, 1997; Jencks et al., 1970; Levin, 2002; Metcalf & Legan, 2002). Conclusions about the OECSPP were presented within each criterion and design instrument as identified by Levin (2002) and were made based upon the findings presented in Chapter IV and summarized above in combination with the theory/ideology, research, and literature presented in Chapter II.

Freedom of Choice

While many aspects of freedom of choice are addressed by the OECSPP law and administrative code, two critical elements were found to be lacking. Levin (2002) and Belfield and Levin (2005) identified the cost covered by vouchers, including special needs, to be a critical element in freedom of choice. Even though the funding formula for the amount of money a school district receives from the State of Ohio takes into account special education services by increasing the dollar amount for special education students based upon the level of additional support needed, the OECSPP provides only a flat rate voucher like the one proposed by Friedman (1962) regardless of the level of services required. As a result, chartered nonpublic schools, which typically do not provide additional services for special education students due to cost, are left to with no additional monetary incentive to establish special education programs and accept special education students into their schools. The lack of additional funding for special education students in the OECSPP creates a situation where a special education student may not be accepted into a chartered nonpublic school due to a lack of available services; thus the student is not permitted to apply to the OECSPP because he/she has to be accepted into a chartered nonpublic school prior to applying to the OECSPP. Freedom of choice in the OECSPP is thus greatly hindered by the lack of additional funding for special education. The policy
should allow for universal access to the OECSPP so that public schools do not become exclusive for special education students.

Belfield and Levin (2005), Hoenack (1997), Levin (2002), and Metcalf and Legan (2002) each called for equity in the identification of students eligible for voucher programs. The OECSPP clearly outlines in its law and administrative code which students are eligible to participate in the program. Not only must a student be in a school deemed failing, but the student must also be accepted to a chartered nonpublic school prior to applying to the OECSPP (ODE, 2007). As a result, not all students who are eligible to apply to chartered nonpublic schools are ultimately eligible to apply to the OECSPP because of the status of the public school they are attending. This situation occurs because students who apply to chartered nonpublic schools may have their admission denied for reasons such as: poor academic performance, poor discipline history, or the need for special services that the school cannot provide (as indicated above). Each chartered nonpublic school official has his/her own criteria that he/she uses to determine acceptance to the school. The differing criteria lead to situations wherein one school may accept a student while another denies the same student admission or wherein a student is not accepted to any chartered nonpublic school and, as a result, is unable to take advantage of the opportunity to apply to the OECSPP. Again, freedom of choice in the OECSPP is greatly hindered by a lack of clear understanding on what credentials a student must have to be accepted into a chartered nonpublic school. Universal freedom of choice does not exist. A lack of true freedom of choice creates potential equity issues in the OECSPP policy.

Equity

While many of the descriptive indicators identified by Levin (2002) for equity are present in the OECSPP, a few descriptive indicators appear to be lacking. Levin (2002) and Belfield and
Levin (2005) identified the need for policies addressing voucher programs to specify the services available for special education students as part of the equity criterion. As discussed above, the OECSPP law and administrative code lacks any language pertaining to special education students. As a result, the OECSPP law and administrative code does not provide special education students with any additional services unless a chartered nonpublic school chooses to provide them of its own volition. This lack of required services, coupled with the lack of additional funding for special education students listed above, creates a situation in which chartered nonpublic schools may choose not to accept students with learning disabilities into their schools, resulting in an artificially small percentage of special education students in the OECSPP.

Belfield and Levin (2005), Hoenack (1997), Levin (2002), and Metcalf and Legan (2002) identified the need for equity in the ways in which students qualify for a voucher program. While the OECSPP law and administrative code identify which students are eligible and which chartered nonpublic schools are eligible to participate, critical data on demographic breakdowns of the students participating in the program were not available when the researcher requested the information from the ODE. The researcher was provided general data, as presented earlier in this study, but not detailed data such as: (a) how many students who participate in the OECSPP have identified learning disabilities, (b) were the students who participated in the OECSPP academically successful prior to enrolling in the chartered nonpublic school they attend through the OECSPP, and (c) individual Ohio Achievement or Ohio Graduation Test scores for each participant. Without this data, the researcher is not able to analyze how effectively the OECSPP is achieving equitable participation among the students who are eligible to participate.
Levin (2002), Metcalf and Legan (2002), and Belfield and Levin (2005) discussed the need for voucher programs to identify the students that are eligible to participate. As explained earlier in this dissertation, the law and administrative code of the OECSPP does identify the students who are eligible to participate but it does so in a way that appears to be inequitable. Students who attend a community (charter) school but who would otherwise attend a public school where students are eligible to participate in the OECSPP are eligible for the program but students who attend a chartered nonpublic school but who would otherwise attend a public school where students are eligible to participate in the OECSPP are not. There is no explanation in the law or administrative code as to why this inequity in eligibility exists, but it creates a situation where a parent/guardian(s) who removed a child from a public school failing by state standards prior to the creation of the OECSPP is financially punished. The parent/guardian who chooses to send his/her child to the community (charter) school made the same decision not to have his/her child attend a public school deemed failing by the state.

Productive Efficiency

Productive efficiency is the indicator identified by Levin (2002) that was assigned the lowest ranking, weak, in the OECSPP in this study. Belfield and Levin (2005), Chubb and Moe (1990), Jencks (1970), and Levin (2002) all identified the need for some type of office to oversee a voucher program. The law and administrative code of the OECSPP establishes the ODE as the agency in charge of overseeing the program. Unfortunately, the OECSPP law and administrative code does not specify the amount of money that should be set aside each year to operate and advertise the program to parent/guardian(s). As a result, money that is needed to help publicize the program to families who qualify was available for year one of the program, but not for future years. The failure to publicize the program leads to an uninformed public, which may create
another inequity in that only a subgroup of children with particularly proactive
parent/guardian(s) will take part in the OECSPP. This contention is supported by Bodenmar
(1996), Glass (2008), McEwan (2000), and Metcalf and Legan (2002), who theorized that the
opportunity to use a voucher would be accessible primarily by educated parent/guardian(s)
already actively involved in their children’s education, while less active and less educated
parent/guardian(s) would make poor school choices or no school choices for their children,
resulting in an increase in the socioeconomic barrier.

Belfield and Levin (2005), Chubb and Moe (1990), Friedman (1962), Hoenack (1997),
Levin (2002), Jencks (1970), and Metcalf and Legan (2002) all identified some type of funding
system as critical to voucher programs. While the OECSPP law and administrative code do
clearly outline the funding system in place, a discrepancy exists that is not explained. As
identified in Chapter IV of this study, even if a chartered nonpublic school has a tuition higher
than the cost covered by a scholarship through the OECSPP, the scholarship amount will not
change, even though state funding per pupil in public school is between $5000–$6000 dollars per
year in grades 1–12, and half that amount for students in kindergarten. This means that the
chartered nonpublic school, in most cases, receives less funding per student than does the public
school. It would seem that this creates an inequitable situation between the public school and the
chartered nonpublic school, which directly impacts the student in that the amount of services
provided by a school is directly relational to the money a school has.

Social Cohesion

While the majority of descriptive indicators identified by Levin (2002) for social
cohesion are addressed in the OECSPP law and administrative code, the OECSPP appears to be
lacking in language that prohibits the exclusion of different cultures or perspectives. Chartered
nonpublic schools are free to teach the culture or perspective that they deem appropriate. While a parent/guardian does have a choice in applying to a chartered nonpublic school that does not meet their own culture or perspective on the world, if they choose to send their child to that school, there is no guarantee that he/she will be exposed to a variety of cultures or perspectives. The lack of specific language in the OECSPP requiring such immersion in different cultures and perspectives creates a program that does not fully live up to the criterion of social cohesion.

Finance

All descriptive indicators as identified by Levin (2002) were addressed in the OECSPP law and administrative code. As noted earlier, it is an interesting caveat within the law and administrative code that the public school district that an OECSPP student previously attended will have its funding reduced by $2700 for a kindergarten student and $5200 for a student in grades 1–12. At the same time, the maximum scholarship amount paid for a student in grades k–8 was $4200 and in grades 9–12 was $5000. Unless a student attends a kindergarten that costs more than $2700, the state is actually saving money on each student in the OECSPP. This creates a scenario where the chartered nonpublic school is expected to provide the student an equivalent, and in the case of the OECSPP, a better education than the public school, but is left with less money per student with which to do so.

Regulation

Belfield and Levin (2005), Chubb and Moe (1990), Hoenack (1997), Jencks (1970), Levin (2002), and Metcalf Legan (2002) all called for rules governing voucher programs for both receiving schools and parent/guardian(s). Through the law and administrative code of the OECSPP, all descriptive indicators of regulation as identified by Levin (2002) were addressed.
Support Services

One descriptive indicator identified by Levin (2002) for support services is absent in the OECSPP. After the first year of the program, funds were eliminated from the ODE budget for publicizing the OECSPP. The ODE now relies on outside agencies to distribute the information to parents (S. Cosmo, personal communication, November 18, 2008). The lack of funding to promote the program creates the possibility for a scenario where the public is not aware of the OECSPP and how it operates.

OECSPP

As indicated earlier in the summary of findings and discussed in detail in Chapter IV of this dissertation, the OECSPP met 14 of 24 critical incidents or 58.3% of the descriptive indicators identified by Levin as necessary in voucher programs. The answer to the research question of this study, How does the OECSPP address key voucher issues such as those presented by Levin (2002): a. Freedom of Choice; b. Productive Efficiency; c. Equity; d. Social Cohesion; e. Finance; f. Regulation; and g. Support Services is addressed above. Levin (2002) theorized that voucher programs would be stronger in some areas and weaker in others, and that is exactly the case for the OECSPP.

Discussion

The researcher has determined the alignment of the OECSPP to research and theory-based criteria for policy in education voucher programs to be 58.3%. This percentage of alignment demonstrates that while the OECSPP policy does have a number of good components in it, several key components are missing. The key components that are missing in the OECSPP policy create a scenario of inequity and segregation for students and schools.
Dehli (2008) theorized that school choice should provide an increase in equity for every child to gain access to a school suited to their needs. The OECSPP was designed with to incorporate an option for students attending a public school deemed to be failing by the state to have the opportunity to receive their education in another school setting. The researcher has shown through this study that the lack of language specifically addressing special education students, the ability of chartered nonpublic schools to define their own admissions standards coupled with the fact that a student cannot apply to be part of the OECSPP until he/she has been accepted into a chartered nonpublic school, and the flat rate voucher regardless of a student’s education needs has created a policy that leads to the situation described by McEwan (2000) and Metcalf and Legan (2002), where the failing public schools are becoming dumping grounds for students who do not perform academically.

The OECSPP policy includes language that allows chartered nonpublic school administrators to deny special education students admittance to their school, thus realizing the fear of Fowler (2003) and Metcalf and Legan (2002) that voucher programs would discriminate against special needs students because these students cost more to educate than “normal” students. Thus the OECSPP has created a situation where the majority of special education students do not have to be given the opportunity to apply for the OECSPP for reasons stated earlier, thus creating a situation of inequity and segregation. The inequity and segregation is not acceptable for a “pilot” program and is even more troubling if the program becomes permanent without any policy changes or if other states decide to model their program off of the OECSPP.

The OECSPP is also based upon the assumption that the chartered nonpublic school that a parent/guardian chooses to send his/her child to is better performing than the public school that the state has determined to be in “academic watch” or “academic emergency”. As with voucher
programs in other states, chartered nonpublic schools are not "graded" on the same criteria as public schools. Kennedy (2001) demonstrated that the schools in Milwaukee that were part of the voucher program did not have to follow many of the same standards as did the public schools. In Ohio, the major difference and biggest obstacle to determining the success of a chartered nonpublic school is that chartered nonpublic schools are not given a State Report Card rating as are given to public schools. The public school State Report Card rating is what determines which public schools have students eligible to participate in the OECSPP. The lack of a State Report Card for chartered nonpublic schools leaves a major question to be asked, that question being: How can one be certain the chartered nonpublic school a student attends is any better than the public school they were allowed to leave through the OECSPP? Decisions on where to allocate money to benefit students should be based upon empirical evidence that demonstrates success for students, rather than merely providing another option that is not proven to be successful.

If the inadequacies identified in the current policy behind the OECSPP are left unaddressed and the OECSPP has its "pilot" title removed and is expanded throughout the State of Ohio or if other states model their voucher program policy after the OECSPP, what will result is an education system where special education students are placed into a potential de facto segregation situation and left in public schools deemed underperforming by the state. It will also create an education option that is not proven to be any more successful than the public school the student was attending in the first place. Social policy should not be based on a total free market—there needs to be some regulation.

The following section identifies recommendations for policy, practice, and future research that will address the inequity and segregation that are currently present as a result of the policy behind the OECSPP.
Recommendations for Policy, Practice, and Future Research

Special Education Students

The researcher determined that the OECSPP law and administrative code do not allow for additional funding for special education students nor do they call for services for special education students. Policy makers in Ohio should modify the policy behind the OECSPP to allow the full amount of funding for a special education student at a chartered nonpublic school that he/she would receive if he/she remained in the public school. This increased funding may change the current practice of many chartered nonpublic schools that currently do not offer special education services because of the cost. The result of such a change may also lead to an increase in the number of special education students who are part of the OECSPP, thus allowing a freedom of choice that is currently lacking for most and eliminating the inequity and segregation currently present for special education students.

Standards for Acceptance at Chartered Nonpublic Schools

The researcher determined that the OECSPP law and administrative code is written in such a way as to allow the chartered nonpublic school administration to decide whether a student is accepted into the school or not, and as a result, whether the student can apply to be part of the OECSPP. Policy makers in Ohio should modify the policy behind the OECSPP to create a standard and transparent set of acceptance requirements to chartered nonpublic schools which participate in the OECSPP. If the problems addressed above regarding funding of special education students were adjusted, the researcher would suggest that the policy should be that all chartered nonpublic schools who choose to participate in the OECSPP must accept all OECSPP eligible students who apply to their school. This change in policy and practice would result in
every child who is OECSPP eligible being able to apply to the program, thus eliminating inequity and segregation.

Access to OECSPP Data from the ODE

While the ODE was helpful in obtaining general data on the OECSPP, access to more detailed data would be beneficial, not only for this study but for future studies as well. It is recommended that the ODE change its current practice and devote more resources to the oversight of the OECSPP in order to make more detailed information available.

Community (Charter) vs. Chartered Nonpublic Schools

As established earlier in the study, students who attend community (charter) schools but who would otherwise be assigned to a public school deemed failing are eligible to apply for the OECSPP, while students who already attend a chartered nonpublic school but would otherwise be assigned to a public school deemed failing are not. Policy makers in Ohio need to change this part of the policy in the OECSPP to enable all students who would attend a failing public school to be eligible, regardless of where they currently attend school.

Money for Promoting the OECSPP

This study has established the importance of educating the public on school choice options. Currently, the ODE does not designate money toward educating the public about the OECSPP. The ODE should reevaluate this practice and devote money to this purpose.

Student Funding from the State

This study has established that chartered nonpublic schools which accept students receive less money to educate the child than public school does, except in the case of kindergarten students who attend a chartered nonpublic school at a cost of more than $2700. Each student who participates in the OECSPP is given a flat dollar amount, depending on the grade level in which
he/she is currently enrolled. Policymakers in Ohio should change the policy behind the OECSPP to allow the funding a student would receive in the public school to follow that student to whichever school the parent/guardian(s) of the child chooses to have him/her attend.

Exposure to Different Cultures and Perspectives

This study has established that various chartered nonpublic schools are free to expose their students to the cultures and perspectives they choose to teach. Levin (2002) identified the need to expose students to different cultures and perspectives. Policymakers in Ohio should change the policy behind the OECSPP to ensure that chartered nonpublic schools which choose to be part of the OECSPP are exposing their students to a variety of cultures and perspectives. While a chartered nonpublic school has the right to teach the cultures and perspectives that it wants, in order to strengthen the education policy behind the OECSPP, these schools should have to give up some of that autonomy when they choose to participate in the OECSPP.

State Report Cards

This study has established that students become eligible for the OECSPP through the rating of their public school on the State Report Card that is released each year. While the policy behind the OECSPP requires chartered nonpublic schools to administer statewide testing each year to the students who participate in the OECSPP and allow the ODE to review the results, policy should be established requiring participating chartered nonpublic schools to be rated on the same State Report Card system by which the public schools are rated. This change in policy would ensure that the chartered nonpublic schools that students in the OECSPP are attending are succeeding as compared to their public school counterpart from which the students came. This proposed change in policy is the only way to measure “apples to apples” when it comes to the public and chartered nonpublic schools involved in the OECSPP.
Future Studies

The researcher’s purpose for this study was to conduct a comprehensive policy analysis to assess the degree of alignment of the OECSPP with research and theory-based criteria for policy in education voucher programs. Absent from this study, but very important in the overall evaluation of the OECSPP, was a control group to determine how well the students who participate in the program succeed academically. In Chapter II, the researcher reviewed many studies on education voucher programs, many of which examined the academic success of students who were part of voucher programs.

Future studies should examine: (a) how students who participate in the OECSPP achieve academically as compared to how they achieved prior to participating in the OECSPP; (b) how many students with identified special education needs are part of the OECSPP and of those, how many are receiving the level of services required in the public school IEP; (c) a content analysis of different acceptance criteria at the chartered nonpublic schools who participate in the OECSPP; (d) why students who were selected to be part of the OECSPP decided not to participate; (e) why students who began at a chartered nonpublic school as part of the OECSPP left the OECSPP during the school year or chose to not have their scholarship renewed at the end of the school year; and (f) how students who participate in the OECSPP achieve academically compared to similar peers in similar public schools.

Concluding Thoughts

Segregation, inequity, non-proven school alternatives, and 41.7% nonalignment of the OECSPP policy with research and theory-based criteria for policy in education voucher programs is not the solution for students in schools determined to be failing in Ohio. While the OECSPP policy has many strong components when analyzed for alignment with research and
theory-based criteria for policy in education voucher programs, the components it is missing are devastating to the students the program is supposed to help. The researcher has recommended changes for the policy that would eliminate the segregation, inequity, and non-proven school alternatives, while bringing the OECSPP into greater alignment with the research and theory-based criteria for policy in education voucher programs. The State of Ohio should seriously consider the recommendations made as it evaluates the OECSPP and determines whether to make the program permanent and/or expand it. The State of Ohio has a responsibility to its students not to promote a program that creates segregation, inequity and unproven school alternatives.
References


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Zelman v. Simmons-Harris. 2002. 00-751, U.S. Supreme Court Ruling.
Appendix A. Approval for Dissertation Proposal including IRB Waiver

IRB non Review certification

STUDENT: Andrew J. Hill

Title of Dissertation: Ohio Educational Choice Scholarship Pilot Program: A Comprehensive Policy Analysis

I certify, by my signature below, that the above indicated study does not require IRB review as a result of a lack of involvement with human subjects (see OHRP flow chart) and as indicated by any or all of the following (check all that apply).

1. Historical research
2. Public data base
3. *Proprietary data base
4. Freedom of Information
5. Right to know – sunshine law

Student signature: __________________________
Advisor approval: __________________________

Reviewed by:
Marty Finklestein – Higher Ed
Daniel Gutmore – K – 12

• Proprietary data that does not identify individuals
Appendix B, Glossary of Terms

*Academic Emergency:*

The lowest category in Ohio’s public school rating system, as determined by the Ohio Department of Education (ODE). Districts that have met eight or fewer indicators, scored less than 70 on the Performance Index Score and missed AYP. Individual schools that have met 30.9% or fewer of the applicable indicators, scored less than a 70 on the Performance Index Score and missed AYP (ODE, 2008).

*Academic Watch:*

The second lowest category in Ohio’s public school rating system, as determined by the ODE. Districts that have met nine to twelve indicators or scored 70–79.9 on the Performance Index Score and have missed AYP. Individual schools that have met 31–49.9% of the applicable indicators, or scored a 70–79.9 on the Performance Index Score and missed AYP (ODE, 2008).

*Annual Yearly Progress (AYP):*

Yearly goals requiring a specific percentage of students in ten different student groups, such as African American and Caucasian, to reach proficiency in math and reading. The final goal is for all students to reach the proficient level in both subjects by 2013–2014, as described in No Child Left Behind. For a school to meet AYP, each of the ten student groups must meet its goals for a given year (ODE, 2008).
Chartered Nonpublic School:
A nonpublic school in Ohio that holds a valid charter issued by the state board of education under section 3301.16 of the Ohio Revised Code and meets the standards established for such schools in rules adopted by the state board (ODE, 2007).

Educational Voucher:
Money given by the government to parent/guardian(s) to pay tuition for a child or children to attend any approved school, private or public (Levin, 2002).

Equity:
“The quest for fairness in access to education opportunities, resources, and outcomes by gender, race, social class, language origins, and geographical location of students in the United States” (Levin, 2002, p. 162).

Finance:
“The overall magnitude of the education voucher, how it is allocated, and whether schools can charge more tuition than the voucher” (Levin, 2002, p.163).

Freedom of Choice:
The rights of families to choose schools for their children that are based on their values, education philosophies, religious beliefs, and political outlooks (Levin, 2002).

Ohio Educational Choice Scholarship Pilot Program:
A program established by the State of Ohio in 2005 and begun during the 2006–2007 academic school year, enrolling students who attend public schools in Ohio’s lowest two categories, “academic watch and academic emergency” for two of the last three years to apply to private schools and receive government funding of up to $5,000 for their education (ODE, 2007).
Ohio School District and School Rating System:

There are six designations: academic emergency, academic watch, continuous improvement, effective, excellent, and excellent with distinction. A district rating is based on three criteria: AYP, State Indicators met, and a Performance Index Score. A district designation is determined by AYP and the higher score between the State Indicators and the Performance Index Score. A school that meets AYP can be rated no lower than continuous improvement, while a school that does not meet AYP for three consecutive years in at least two student subgroups in the most recent year can be rated no higher than continuous improvement (ODE, 2008).

Performance Index Score:

This score ranges from 0–120 and represents the achievement of all students on all five subject areas of proficiency by averaging the scores. The goal score is 100 (ODE, 2008).

Productive Efficiency:


Regulation:

The requirements set out by the government for eligibility of schools to participate in the voucher system as well as other rules that must be followed by schools and families in using the education voucher (Levin, 2002).

Resident District:

The school district that a student is entitled to attend school is determined under section 3313.64 or 3313.65 of the Ohio Revised Code (ODE, 2007).
Social Cohesion:

"The provision of a common education experience that will orient all students to grow to adulthood as full participants in the social, political, and economic institutions of society" (Levin, 2002, p. 162).

State Indicators:

There are 25 indicators. A school can meet an indicator by reaching the minimum requirement of the percentage of students at or above the proficient level on state testing in grades 3–8 and the Ohio Graduation Test, given for the first time in grade 10. Graduation and attendance rates are the two non-test indicators (ODE, 2008).

Support Services:

"The types of publicly provided services designed to increase the effectiveness of the market in providing freedom of choice, productive efficiency, and equity" (Levin, 2002, p. 163).
Appendix C. Personal Experience with the OECSPP

I spent the first eight years of my education career working in Catholic schools. I began teaching and then was principal for three years at a small, inner-city Catholic school that served mostly non-Catholic, minority students. From there, I moved to a more affluent college preparatory high school in the same city where I had served as principal. During my time in Catholic education, one thing became very clear to me; the majority of Catholic schools were facing a financial crunch due to decreasing enrollments and increasing numbers of lay people on staff.

This financial crunch was widely experienced throughout the city as year after year, the number of Catholic schools, especially in the central city, decreased due to closings. The last year that I was at the high school, the State of Ohio enacted the OECSPP. Those of us involved in Catholic education viewed the OECSPP as means by which to boost our dwindling enrollments by affording students an opportunity to receive state funding to attend our school.

Catholic schools in the central city had great enrollment increases due to the program. In my particular case, while we had over 20 students express an interest, we accepted only three due to the student’s academic and disciplinary histories. What I saw in my own school and heard about throughout the rest of city greatly concerned me about OECSPP students. In our case, 2 of our 3 students left before the first semester finished due to low academic achievement and the remaining student stayed until the end of the year, but failed every subject he took. At meetings I attended, I heard about the high number of OECSPP students who were removed from their new
schools due to disciplinary problems or academic deficiencies, and I heard how academically unprepared administrators felt these students were.

What I saw and heard seemed to be in direct contrast to the reason the program was established, namely to give students in regularly failing public schools a "way out" to succeed. Indeed, the State of Ohio seemed to have created the "way out" of failing public schools for these students through the OECSPP, but that way did not lead to success for a number of students. In fact, the "way out" set back the three students I had accepted. They had to return to their public school, having failed at a new school, and upon their return, they were further behind in academic standing than when they had been when they left. As a result, I developed a strong interest in learning how the OECSPP was designed; in comparison to what research, literature, and theory suggested for effective education policy regarding education vouchers. This study grew out of this personal experience.
Appendix D. Chapter 3310 of the Ohio Revised Code for Educational Choice Scholarship Pilot Program and Chapter 3301-11 of the Ohio Administrative Code Educational Choice Scholarship Program
State Law for the EdChoice Scholarship Program

CHAPTER 3310 of the OHIO REVISED CODE
EDUCATIONAL CHOICE SCHOLARSHIP PILOT PROGRAM

Section:

3310.01. Definitions.

3310.02. Educational choice scholarship pilot program established.

3310.03. Eligibility of students to participate in program.

3310.04. Transportation of eligible students.

3310.05. Program not available in district with existing pilot program.

3310.06. Program nonexclusive for students in eligible schools.

3310.07. Notice of applicant to department.

3310.08. Amount paid for eligible student - periodic payments - deductions.

3310.09. Maximum award to eligible students.

3310.10. Tuition sole use of scholarship award.

3310.11. Request for data verification code of applicant.


3310.13. Tuition charged by chartered nonpublic schools.

3310.14. Chartered nonpublic schools with enrolled students to administer tests.

3310.16. Amended and Resubmitted RC 3310.17.

3310.17. Board to adopt rules for administration of program.

ODE.SPEC.S Law 06.14.2007
§ 3310.01. Definitions.

As used in sections 3310.01 to 3310.17 of the Revised Code:

(A) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in rules adopted by the state board.

(B) An "eligible student" is a student who satisfies the conditions specified in section 3310.03 of the Revised Code.

(C) "Parent" has the same meaning as in section 3313.98 of the Revised Code.

(D) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or 3313.65 of the Revised Code.

(E) "School year" has the same meaning as in section 3313.62 of the Revised Code.

Effective Date: 06-30-2005

§ 3310.02. Educational choice scholarship pilot program established.

The educational choice scholarship pilot program is hereby established. Under the program, the department of education annually shall pay scholarships to attend chartered nonpublic schools in accordance with section 3310.08 of the Revised Code for up to fourteen thousand eligible students. If the number of students who apply for a scholarship exceeds fourteen thousand, the department shall award scholarships in the following order of priority:

(A) First, to eligible students who received scholarships in the prior school year;

(B) Second, to eligible students with family incomes at or below two hundred per cent of the federal poverty guidelines, as defined in section 3101.46 of the Revised Code, who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in this division who apply for a scholarship exceeds the number of available scholarships after awards are made under division (A) of this section, the department shall select students described in this division by lot to receive any remaining scholarships.

(C) Third, to other eligible students who qualify under division (A) of section 3310.03 of the Revised Code. If the number of students described in this division who apply for a scholarship exceeds the number of available scholarships after awards are made under divisions (A) and (B) of this section, the department shall select students described in this division by lot to receive any remaining scholarships.

Effective Date: 06-30-2005; 03-30-2007
§ 3310.03. Eligibility of students to participate in program.

(A) A student is an "eligible student" for purposes of the educational choice scholarship pilot program if the student's resident district is not a school district in which the pilot project scholarship program is operating under sections 3313.974 to 3313.979 of the Revised Code and the student satisfies one of the following conditions:

(1) The student is enrolled in a school building that is operated by the student's resident district and to which both of the following apply:

(a) The building was declared, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which a scholarship is sought, to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code;

(b) The building was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.

(2) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section.

(3) The student is enrolled in a community school established under Chapter 3314. of the Revised Code but otherwise would be assigned under section 3319.01 of the Revised Code to a building described in division (A)(1) of this section.

(4) The student is enrolled in a school building that is operated by the student's resident district or in a community school established under Chapter 3314. of the Revised Code and otherwise would be assigned under section 3319.01 of the Revised Code to a school building described in division (A)(1) of this section in the school year for which the scholarship is sought.

(5) The student is eligible to enroll in kindergarten in the school year for which a scholarship is sought, or is enrolled in a community school established under Chapter 3314. of the Revised Code, and all of the following apply to the student's resident district:

(a) The district has in force an intradistrict open enrollment policy under which no student in kindergarten or the community school student's grade level, respectively, is automatically assigned to a particular school building;

(b) In at least two of the three most recent ratings of school districts published prior to the first day of July of the school year for which a scholarship is sought, the district was declared to be in a state of academic emergency under section 3302.03 of the Revised Code;

(c) The district was not declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which a scholarship is sought.
A student who receives a program under the educational choice school-sponsored pupil program is not eligible for any student whose program, pupil, or program is not approved by the district with the existing school program.

S 3319.04. Transportation of eligible students.

The transportation of eligible students to attend a school district in which the pupil project school sponsored pupil program is operating under section 3319.01 of this chapter, is not eligible for any student whose program, pupil, or program is not approved by the district with the existing school program.

The school board of education shall adopt rules defining the exceptions for purposes of direction (g)(g) of section 3319.04 of this chapter.

Effective Date: 06-30-2005

The department shall consider any school transportation program to be eligible for purposes of direction (g) of section 3319.04 of this chapter, if the pupil project school sponsored pupil program is operating under section 3319.01 of this chapter.

The department shall consider any school transportation program to be eligible for purposes of direction (g) of section 3319.04 of this chapter, if the pupil project school sponsored pupil program is operating under section 3319.01 of this chapter.

The student shall be enrolled in a school building operated by the district under section 3319.01 of this chapter.

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The student shall be enrolled in a school building operated by the district under section 3319.01 of this chapter.
ORESP Policy 04.14.2007

Amend the section 3310.09 of the Revised Code to read in lieu of the subsection (A) the following: The amount paid for eligible students under the educational choice program shall be

$3310.08, Amount paid for eligible students - Method of payment - Definitions

Effective Date: 03-30-2005

Becamce the amount determined by the school

$3310.07, Notice of application to department

Effective Date: 06-30-2005

Programs, in other schools as the levy may provide,

$3310.06, Program nonFIRST for students in other schools

Effective Date: 06-30-2005

School buildings that face academic challenges.

$3310.05, Program to support academic challenges

Effective Date: 06-30-2005

Determine the effectiveness of the pilot program under section 3313.97(A) to

$3313.97(A) to 3313.97(G) of the Revised Code. The two pilot programs are operated and budgeted.
The department shall pay to the parent of each eligible student for whom a scholarship is awarded under the program, or to the student if at least eighteen years of age, periodic partial payments of the scholarship.

The department shall proportionately reduce or terminate the payments for any student who withdraws from a chartered nonpublic school prior to the end of the school year.

The department shall deduct from the payments made to each school district under Chapter 3317. and, if necessary, sections 321.24 and 323.156 of the Revised Code one of the following amounts, as applicable, for each eligible student awarded a scholarship under the educational choice scholarship pilot program who is entitled under section 3313.64 or 3313.65 of the Revised Code to attend school in the district:

(a) For each scholarship student enrolled in kindergarten, two thousand seven hundred dollars;

(b) For each scholarship student enrolled in grades one to twelve, five thousand two hundred dollars.

The amount deducted under division (C)(1) of this section funds scholarships for students under both the educational choice scholarship pilot program and the pilot project scholarship program under sections 3313.974 to 3313.979 of the Revised Code.

If the department reduces or terminates payments to a parent or a student, as prescribed in division (B)(2) of this section, and the student enrolls in the schools of the student's resident district or in a community school, established under Chapter 3314. of the Revised Code, before the end of the school year, the department shall proportionally restore to the resident district the amount deducted for that student under division (C)(1) of this section.

In the case of any school district from which a deduction is made under division (C) of this section, the department shall disclose on the district's SF-3 form, or any successor to that form used to calculate a district's state funding for operating expenses, a comparison of the following:

1. The district's state base-cost payment, as calculated under division (A)(1) of section 3317.022 of the Revised Code prior to making the adjustments under divisions (A)(2) and (3) of that section, with the scholarship students included in the district's formula ADM;

2. What the district's state base-cost payment would have been, as calculated under division (A)(1) of that section prior to making the adjustments under divisions (A)(2) and (3) of that section, if the scholarship students were not included in the district's formula ADM.

This comparison shall display both the aggregate difference between the amounts described in divisions (D)(1) and (2) of this section, and the quotient of that aggregate difference divided by the number of eligible students for whom deductions are made under division (C) of this section.

Effective Date: 06-30-2005; 03-30-2006; 09-28-2006
§ 3310.09. Maximum award to eligible students.

(A) The maximum amount awarded to an eligible student in fiscal year 2007 under the educational choice scholarship pilot program shall be as follows:

(1) For grades kindergarten through eight, four thousand two hundred fifty dollars;

(2) For grades nine through twelve, five thousand dollars.

(B) In fiscal year 2008 and in each fiscal year thereafter, the maximum amount awarded under the program shall be the applicable maximum amount awarded in the previous fiscal year increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code, from the previous fiscal year.

Effective Date: 06-30-2005

§ 3310.10. Tuition sole use of scholarship award.

A scholarship awarded under section 3310.08 of the Revised Code may be used only to pay tuition to any chartered nonpublic school.

Effective Date: 06-30-2005

§ 3310.11. Request for data verification code of applicant.

(A) Only for the purpose of administering the educational choice scholarship pilot program, the department of education may request from any of the following entities the data verification code assigned under division (D)(2) of section 3301.0714 of the Revised Code to any student who is seeking a scholarship under the program:

(1) The student's resident district;

(2) If applicable, the community school in which that student is enrolled;

(3) The independent contractor engaged to create and maintain student data verification codes.

(B) Upon a request by the department under division (A) of this section for the data verification code of a student seeking a scholarship or a request by the student's parent for that code, the school district or community school shall submit that code to the department or parent in the manner specified by the department. If the

ODE.SF.BCS.Law.06.14.2007
student has not been assigned a code, because the student will be entering kindergarten during the school year for which the scholarship is sought, the district shall assign a code to that student and submit the code to the department or parent by a date specified by the department. If the district does not assign a code to the student by the specified date, the department shall assign a code to that student.

The department annually shall submit to each school district the name and data verification code of each student residing in the district who is entering kindergarten, who has been awarded a scholarship under the program, and for whom the department has assigned a code under this division.

(C) For the purpose of administering the applicable tests prescribed under sections 3310.0710 and 3310.0712 of the Revised Code, as required by section 3310.14 of the Revised Code, the department shall provide to each chartered nonpublic school that enrolls a scholarship student the data verification code for that student.

(D) The department and each chartered nonpublic school that receives a data verification code under this section shall not release that code to any person except as provided by law.

Any document relative to this program that the department holds in its files that contains both a student's name or other personally identifiable information and the student's data verification code shall not be a public record under section 149.43 of the Revised Code.

Effective Date: 03-30-2006


Except as provided in division (D) of section 3310.11 of the Revised Code, documents relative to the educational choice scholarship pilot program that the department holds in its files are public records under section 149.43 of the Revised Code and may be released pursuant to that section subject to the provisions of section 3319.321 of the Revised Code and the "Family Educational Rights and Privacy Act of 1974," 88 Stat. 571, 20 U.S.C. 1232g, as amended.

Effective Date: 03-30-2006

§ 3310.13. Tuition charged by chartered nonpublic schools.

(A) No chartered nonpublic school shall charge any student whose family income is at or below two hundred per cent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code, a tuition fee that is greater than the total amount paid for that student under section 3310.08 of the Revised Code.

(B) A chartered nonpublic school may charge any other student who is paid a scholarship under that section the difference between the amount of the scholarship and the regular tuition charge of the school. Each chartered nonpublic school shall permit such an eligible student's family, at the family's option, to provide ODRSF.BCS.Law.06.14.2007
volunteer services in lieu of cash payment to pay all or part of the amount of the school's tuition not covered by
the scholarship paid under section 3310.08 of the Revised Code.

Effective Date: 06-30-2005

Notwithstanding division (K) of section 3301.0711 of the Revised Code, each chartered nonpublic school that
enrolls students awarded scholarships under sections 3310.01 to 3310.17 of the Revised Code annually shall
administer the tests prescribed by section 3301.0710 or 3301.0712 of the Revised Code to each scholarship
student in accordance with section 3301.0711 of the Revised Code. Each chartered nonpublic school shall
report to the department of education the results of each test administered to each scholarship student under this
section.

Nothing in this section requires a chartered nonpublic school to administer any achievement test, except for an
Ohio graduation test prescribed by division (B) of section 3301.0710 of the Revised Code, as required by
section 3313.612 of the Revised Code, to any student enrolled in the school who is not a scholarship student.

Effective Date: 06-30-2005

§ 3310.16. Amended and Renumbered RC 3310.17.

Effective Date: 03-30-2007

§ 3310.17. Board to adopt rules for administration of program.

(A) The state board of education shall adopt rules in accordance with Chapter 119. of the Revised Code
prescribing procedures for the administration of the educational choice scholarship pilot program.

(B) The state board and the department of education shall not require chartered nonpublic schools to comply
with any education laws or rules or other requirements that are not specified in sections 3310.01 to 3310.17 of
the Revised Code or in rules necessary for the administration of the program, adopted under division (A) of
this section, and that otherwise would not apply to a chartered nonpublic school.

Effective Date: 03-30-2007
Administrative Rules for the EdChoice Scholarship Program

CHAPTER 3301-11 of the OHIO ADMINISTRATIVE CODE
EDUCATIONAL CHOICE SCHOLARSHIP PROGRAM

3301-11-01 Definitions.

3301-11-02 Educational choice scholarship pilot program established.

3301-11-03 List of designated buildings used in eligibility determination; assignment areas.

3301-11-04 Eligibility for program participation.

3301-11-05 Application for program participation.

3301-11-06 Errors specified by public school district.

3301-11-07 Awarding scholarships.

3301-11-08 Transfer of scholarship.

3301-11-09 Termination of eligibility.

3301-11-10 Payment of scholarship amounts.

3301-11-11 Participation by chartered nonpublic schools.

3301-11-12 Entities designated to file applications.

3301-11-13 Qualified income verification agents.

3301-11-14 Dispute resolution.

3301-11-15 Program administration.
3301-11-01 Definitions.

(A) "Applicant" is any parent, or any student who is at least eighteen years of age, who is seeking an educational choice scholarship for an eligible student;

(B) "Chartered nonpublic school" means a nonpublic school that holds a valid charter issued by the state board of education under section 3301.16 of the Revised Code and meets the standards established for such schools in Chapter 3301-35 of the Administrative Code;

(C) "Department" means Ohio department of education.

(D) "Designated building" is a school building that has been declared in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which scholarships will be granted to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code unless the building was declared to be excellent or effective under that section in the most recent rating published prior to the first day of July of the school year for which scholarships will be granted;

(E) "Eligible student" is a student who satisfies the conditions specified in section 3310.03 of the Revised Code;

(F) "Enrolled" has the same meaning as in division (E) of section 3317.03 of the Revised Code;

(G) "Excused absence" is an absence from school approved by the administrator of a chartered nonpublic school on the basis of one or more of the conditions listed in division (B)(2) of section 3301-69-02 of the Administrative Code;

(H) "Family income" is the income of the applicant and his or her supporting unit;

(I) "Local financial assistance program" is a program (not administered by the State of Ohio) the purpose of which is to provide financial assistance to students attending nonpublic schools;

(J) "Parent" has the same meaning as in section 3313.98 of the Revised Code;

(K) "Resident district" means the school district in which a student is entitled to attend school under section 3313.64 or section 3313.65 of the Revised Code;

(L) "Scholarship recipient" is a student who has been awarded, has accepted and has received an educational choice scholarship; and

(M) "School year" has the same meaning as in section 3313.62 of the Revised Code.

Effective: 05/26/2007
3301-11-02 Educational choice scholarship pilot program established.

The purpose of these rules is to prescribe procedures for the administration and implementation of the educational choice scholarship pilot program established by the general assembly in section 3310.16 of the Revised Code. The program shall pay scholarships for up to the number of eligible students prescribed by the general assembly to attend chartered nonpublic schools. The program is established as one of several educational options available for students in academic emergency or academic watch school buildings.

Effective: 09/23/2006

3301-11-03 List of designated buildings used in eligibility determination; assignment areas.

(A) Each year, the department shall publish a list of school buildings that have been declared, in at least two of the three most recent ratings of school buildings published prior to the first day of July of the school year for which scholarships will be granted to be in a state of academic emergency or academic watch under section 3302.03 of the Revised Code. The department shall remove from the list any school building that has been declared to be excellent or effective in the most recent rating published prior to the first day of July of the school year for which the scholarships will be granted. The list shall specify any school building among those listed that is likely to cease operations during the school year in which the list is issued. The list shall also specify any school building that is likely to cease operations during the school year following the school year in which the list is issued. The department shall remove from the list any school building that has ceased operations.

(B) The superintendent of each school district within which each of the school buildings listed pursuant to paragraph (A) of this rule is located, or the superintendent’s designee, shall specify one of the following for each school building:

(1) That the assignment area of the school building for the current school year is the entire school district;

(2) That the school building has no assignment area; or

(3) A detailed description of the assignment area of the building including the street names and address number ranges of residences from which students living at such residences would be assigned to attend the building.

In the case of a building with no assignment area, the superintendent shall provide any district assignment policies or procedures that would lead to students being assigned to the building.

The superintendent, or the superintendent’s designee, shall also indicate whether any assignment area changes have been adopted that will impact the assignment areas of those schools listed pursuant to paragraph (A) of this rule during the current school year or in the year following the current school year.
(2) The student is not a resident of the Crescenta Valley Unified School District

School districts are required to code in the proper current residence referral code to the first day of the school year for which an
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B) A student for whom a new scholarship is sought shall not be considered eligible to receive a scholarship if at any time following the submission of an application for scholarship and prior to a scholarship being awarded the student is no longer enrolled in the school indicated on the submitted application, except that a student shall be considered as enrolled in the school indicated on the submitted application after the last scheduled day of classes if the student was enrolled in the school during the school year prior to that for which the scholarship is sought and through the final day of scheduled classes for the school year. For the purpose of determining enrollment status, the department may consider information submitted by the public school district pursuant to rule 3301-11-06 of the Administrative Code and data submitted to the department through the education management information system established pursuant to 3301.0714 of the Revised Code. Disputes regarding enrollment determinations shall follow the department’s dispute resolution process pursuant to rule 3301-11-14 of the Administrative Code.

C) A student who has received an educational choice scholarship shall continue to be eligible to receive scholarships in subsequent school years until the student completes grade twelve, if all of the following apply:

1. The student’s resident district remains the same as when the original scholarship was granted;

2. The student takes each state test prescribed for the student’s grade level under section 3301.0710 or 3301.0712 of the Revised Code while enrolled in the chartered nonpublic school; and

3. The student is absent from school for not more than twenty days that the school is open for instruction not including documented excuses absences as attested to by the chartered nonpublic school.

Effective: 05/26/2007

3301-11-05 Application for program participation.

A) An applicant seeking a scholarship for a student who is not a scholarship recipient in the year in which the application is being submitted shall make application to the department in the manner established by the department and provide the information determined by the department to be necessary to determine eligibility and make scholarship award determinations. Such information may include, but not be limited to, the following:

1. Information and documentation required to identify the student, including but not limited to, the student’s first name, middle initial, last name, and date of birth;

2. Information and documentation required to identify and contact the student’s parents or guardians;

3. Information and documentation required to determine program eligibility including, but not limited to, the student’s residential address, district of residence, school in which the student is enrolled, the school to which a community school student would have been assigned at the time of application, or to which a kindergarten student would be assigned in the school year for which the scholarship is being sought, and grade level;
(4) Information and documentation related to the chartered nonpublic school in which the student has been accepted for enrollment;

(5) Information and documentation related to the determination of the correct scholarship amount, including, but not limited to the names of other students in the same household attending or planning to attend the same chartered nonpublic school, or

(6) An indication, if applicable, that the student's family income is at or below two hundred percent of the federal poverty guidelines, as defined in section 5101.46 of the Revised Code;

(B) A scholarship recipient seeking to continue to receive a scholarship in the year subsequent to a year in which a scholarship was received may be required to make application to the department in the manner established by the department and provide the information and documentation that the department has determined necessary for the effective implementation of the program. Such information may include those items specified in paragraph (A) of this rule. Scholarships for students for whom eligibility has not been terminated pursuant to rule 3301-11-09 of the Administrative Code may be renewed until the student has completed grade twelve.

(C) If any scholarship application includes an indication that the student's family income is at or below two hundred percent of the federal poverty guidelines, the applicant shall also be required to provide such documentation as specified by the department to verify the income of any and all members of the student's household. Such documentation may include, but shall not be limited to, copies of federal and state income tax returns, W-2 forms, 1099 forms, and statements of unemployment benefits, workers compensation benefits, child support benefits, and pension or retirement benefits received. Additionally, the applicant may voluntarily provide identification information, including the social security numbers of the members of the student's household, to facilitate procedures for the verification of income. The application process and forms shall clearly indicate that the provision of social security numbers is strictly optional to the applicant, and that procedures are in place to ensure the confidentiality of the information.

(D) In submitting an application for a scholarship, the applicant shall agree to the following:

(1) That the information provided on the application is true and correct;

(2) For students with family income above two hundred percent of the federal poverty guidelines, that if a scholarship is received, and the scholarship amount is less than the tuition of the chartered nonpublic school, payment of the difference is the responsibility of the applicant, and the applicant will have the opportunity to provide services in-kind;

(3) That the chartered nonpublic school and the department will be informed of changes in family income that would impact whether or not the student is at or below two hundred percent of the federal poverty guidelines;

(4) That the chartered nonpublic school and the department will be informed immediately of any change in the student's residential address;

(5) That the student shall not be eligible to receive scholarships in subsequent years if the student moves outside the current district of residence unless the student transfers to a new resident district and
otherwise would be assigned to a designated building in the new resident district; fails to take each state
test prescribed for the student's grade level under section 3301.0710 or 3301.0712 of the Revised Code;
or is absent from school for more than twenty days, not including documented excused absences;

(6) That only one application for the student has been submitted;

(7) That the applicant has received and understands the policy handbook of the chartered nonpublic school
and will abide by its provisions;

(8) That the applicant agrees to abide by the dispute resolution process outlined in rule 3301-11-14 of the
Administrative Code;

(9) That the scholarship amount shall only be applied to the tuition of the enrolling school and that the
parent or guardian may be required to pay other fees and costs as prescribed by the policies of the
school;

(10) That the applicant shall apply for any and all financial aid or tuition discounts and adjustments made
regularly available to the students attending the chartered nonpublic school in which the student is
accepted for enrollment;

(11) That the applicant understands that any optional information as specified in paragraph (C) of this rule
provided by the applicant is being provided voluntarily; and

(12) Any other representations prescribed by the department determined to be necessary to ensure the
effective implementation of the program and compliance with Chapter 3310. of the Revised Code.

(B) Application for program participation shall be made on forms or through electronic means as prescribed by
the department. Applicants may designate, in writing, another entity to submit the application on behalf of
the applicant. Such designation may be made only to entities approved pursuant to rule 3301-11-12 of the
Administrative Code.

Effective: 05/26/2007

3301-11-06 Errors specified by public school district.

In order to ensure compliance with the provisions of this Chapter 3301-11 of the Administrative Code and
Chapter 3310. of the Revised Code, public school districts shall be afforded reasonable opportunity to specify
errors in application and continuing eligibility information that would affect scholarship awards and payments.
Such errors shall include:

(A) For applicants seeking scholarships for the first time, that the designated building in which the applicant
claims the student is enrolled, or in the case of a student attending a community school, in which the
applicant claims the student would otherwise be enrolled, or in the case of a student entering kindergarten,
in which the applicant claims the student would be assigned in the year the scholarship is sought, is
Stocks entered in paragraph (a) of the rule:

(2) If the number of application received by the minister does not exceed the number of scholarships authorized in section 390.02 of the Revised Code, the minister shall make an offer of the scholarships to the applicant who, in the minister's discretion, appears to be the most deserving. The minister's determinations shall be made in writing and made available to the public upon request. The minister shall be guided by the following criteria:

(a) The qualifications of the applicant, including academic achievement, extracurricular activities, and community service.
(b) The financial need of the applicant, as determined by the minister.
(c) The geographical and demographic diversity of the applicant pool.
(d) Any other factors determined by the minister to be relevant.

(3) The minister shall make an offer of the scholarships to the applicant who, in the minister's discretion, appears to be the most deserving. The minister's determinations shall be made in writing and made available to the public upon request.

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Effective: 02/92/2006

Consult:

(a) Any other factors determined by the minister to be relevant.
(b) The qualifications of the applicant, including academic achievement, extracurricular activities, and community service.
(c) The financial need of the applicant, as determined by the minister.
(d) Any other factors determined by the minister to be relevant.
(a) All eligible students who meet the condition described in paragraph (A)(1) of this rule shall be awarded scholarships;

(b) If the number of eligible students who meet the condition described in paragraph (A)(2) of this rule is equal to or less than the number of total scholarships authorized in section 3310.02 of the Revised Code minus the number of scholarships awarded to eligible students meeting the condition of paragraph (A)(1) of this rule, then all eligible students meeting the condition of paragraph (A)(2) of this rule shall be awarded scholarships;

(c) If after awarding scholarships to eligible students who meet the condition described in paragraph (A)(1) of this rule, the number of eligible students who meet the condition of paragraph (A)(2) of this rule exceeds the number of scholarships authorized in section 3310.02 of the Revised Code minus the number of scholarships awarded to eligible students meeting the condition of paragraph (A)(1) of this rule, the remaining scholarships shall be awarded by a lot considering only those eligible students meeting the condition of paragraph (A)(2) of this rule;

(d) If the number of eligible students who meet the condition described in paragraph (A)(3) of this rule is equal to or less than the number of total scholarships authorized in section 3310.02 of the Revised Code minus the number of scholarships awarded to eligible students meeting the conditions of paragraphs (A)(1) and (A)(2) of this rule, then all eligible students meeting the condition of paragraph (A)(3) of this rule shall be awarded scholarships; and

(e) If after awarding scholarships to eligible students meeting the conditions of paragraphs (A)(1) and (A)(2) of this rule, the number of all other eligible students exceeds the number of scholarships authorized in section 3310.02 of the Revised Code minus the number of scholarships awarded to eligible students meeting the condition of paragraphs (A)(1) and (A)(2) of this rule, the remaining scholarships shall be awarded by lot considering the remaining eligible students.

(C) Applicants and the chartered nonpublic school identified by the applicant, shall be notified of a scholarship award via mail within thirty days of award determination.

(D) If an eligible student who is awarded a scholarship subsequently decides the scholarship will not be utilized, the applicant shall notify the department of the intention to relinquish the scholarship. The department shall establish dates by which such notifications shall be made.

(E) Any eligible student who has not been awarded a scholarship shall be placed on a waiting list maintained by the department according to the order of the lottery. Scholarships shall be awarded to eligible students on the waiting list as they are relinquished by other applicants in a manner to be specified by the department until such date as established by the department.

Effective: 05/26/2007
3301-11-08 Transfer of scholarship.

Scholarships awarded pursuant to this program may be transferred to another chartered nonpublic school listed pursuant to rule 3301-11-11 of the Administrative Code. The applicant and the chartered nonpublic school accepting the transferred student shall notify the department in the manner prescribed by the department. The applicant may designate in writing that the chartered nonpublic school enrolling the student notify the department on behalf of the applicant. Scholarships are not transferable to any other student.

Effective: 02/24/2006

3301-11-09 Termination of eligibility.

(A) Eligibility to continue to receive a scholarship in the school year in which it is being received shall be terminated if any of the following occur:

(1) It is determined that the application made for the program contained false information that, had it been correct, would have caused the scholarship recipient to be ineligible for the program; or

(2) The scholarship recipient is withdrawn from, or is expelled from, the chartered nonpublic school in which the student is enrolled, and fails within thirty calendar days to enroll in another school listed pursuant to rule 3301-11-11 of the Administrative Code.

(B) Eligibility to receive scholarships in subsequent school years and submit an application for continuing eligibility pursuant to paragraph (B) of rule 3301-11-05 of the Administrative Code shall cease if the scholarship recipient fails to comply with the provisions of paragraphs (C)(1) to (C)(3) of rule 3301-11-04 of the Administrative Code.

(C) Eligibility to receive scholarships in subsequent school years shall not be terminated because a student failed to take a state test prescribed for the student's grade level if a determination is made by the department that the chartered nonpublic school in which the student was enrolled failed to meet its obligation to administer the test.

(D) The applicant and the chartered nonpublic school in which the student is enrolled shall be notified by mail of termination of eligibility. Such notification shall include the effective date of the termination.

Effective: 02/24/2006
3301-11-10 Payment of scholarship amounts.

(A) Payment of scholarship amounts shall be made by warrant of the auditor of state made payable in the name of the parent or legal custodian of the student, or if the student is at least eighteen years of age in the name of the student, and the chartered nonpublic school in which the student is enrolled. Warrants shall be mailed to the address provided by the chartered nonpublic school.

(B) The maximum amount awarded to an eligible student shall be as follows:

(1) In fiscal year 2007, the following amounts:

(a) For grades kindergarten through eight, four thousand two hundred fifty dollars; and

(b) For grades nine through twelve, five thousand dollars.

(2) In fiscal year 2008 and in each fiscal year thereafter, the maximum amount shall be the applicable maximum amount awarded in the previous fiscal year increased by the same percentage by which the general assembly increased the formula amount, as defined in section 3317.02 of the Revised Code, from the previous fiscal year. Such amounts shall be computed and published by the department.

(C) The actual amount of each scholarship shall be the lesser of the applicable net tuition of the chartered nonpublic school in which the student is enrolled, or the maximum amount prescribed in paragraph (B) of this rule. The net tuition shall be the tuition amount specified by the chartered nonpublic school minus all other financial aid, discounts and adjustments received for the student. In cases where discounts are offered for multiple students from the same family, and not all students in the same family are scholarship recipients, the scholarship amount shall be the lowest tuition to which the family is entitled.

(D) In the case where a child transfers during the course of the school year to another chartered nonpublic school with a different tuition, the department shall prorate the amounts paid to each school based on the period of attendance at each school.

(E) In the case where overpayments are made on behalf of a participating student, the department shall inform the chartered nonpublic school of the amount of the overpayment, and the chartered nonpublic school shall refund the amount to the department.

(F) In the case where a student withdraws or is expelled from the chartered nonpublic school, or where a student's eligibility to continue to receive a scholarship is terminated pursuant to paragraph (A) of rule 3301-11-09, payment of the scholarship amount will be prorated based on the number of days the student was enrolled at the chartered nonpublic school. Prorated enrollment would end as of the last day of the student's attendance, or the effective date of the student's termination, whichever is earlier.

Effective: 02/24/2006
3301.11 Participation by Charter Nonpublic Schools

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(11) That the school shall disenroll any scholarship student as soon as a determination is made that the student will no longer attend the school. Disenrollment shall be recorded as the last date that the student attended classes;

(12) That the school shall allow the department to monitor compliance with the provisions of this rule and of other laws and rules as they apply to chartered nonpublic schools and shall provide at the request of the department such information and copies of records as may be necessary to ensure such compliance, including:

(a) Information and records related to school staff and volunteers including but not limited to license or certificate numbers, and background check results;

(b) Information and records related to school policies and procedures including but not limited to the parent or student handbook, admissions policies, and withdrawal and transfer policies; and

(c) Information and records related to building, vehicle and operational safety including but not limited to fire inspection reports, food service licenses and vehicle inspection reports.

(B) Any chartered nonpublic school that does not fulfill its obligations under Chapter 3301-11 of the Administrative Code may be disallowed from participation in the program for a period of time to be specified by the department, or until such time as the school can provide assurances satisfactory to the department that it shall fulfill its obligations.

Effective: 05/26/2007

3301-11-12 Entities designated to file applications.

Chartered nonpublic schools listed pursuant to rule 3301-11-11 of the Administrative Code shall be authorized to file applications on behalf of applicants as designated in writing by the applicant. The department may establish procedures that allow an applicant to designate other entities to file an application on the applicant's behalf. In no case shall any financial charge be made to the applicant for application assistance.

Effective: 02/24/2006

3301-11-13 Qualified income verification agents.

The purpose of a qualified income verification agent is to allow financial information submitted by an applicant to comply with paragraph (D)(10) of rule 3301-11-05 of the Administrative Code and qualify for financial assistance under a local financial assistance program to also generate the income verification
information required under paragraph (C) of rule 3301-11-05 of the Administrative Code. The department of education may receive applications to become a qualified income verification agent from any entity that meets all of the following conditions:

(A) Has an agreement with a school listed pursuant to rule 3301-11-11 of the Administrative Code, and the school either individually or collectively with other schools administers or participates in a local financial assistance program;

(B) Pursuant to the agreement described in paragraph (A) of this rule, receives financial information from families seeking to receive financial assistance from the local financial assistance program; and

(C) Pursuant to the agreement described in paragraph (A) of this rule, provides to the school or the school’s affiliated organization, information and analysis relative to the financial information described in paragraph (B) of this rule to assist in making financial assistance determinations.

The department of education shall develop the procedures and criteria, including appropriate audit requirements, that shall be used to qualify such agents. The procedures shall include protocols to check the computational accuracy of such agents. The criteria shall include provisions that ensure the confidentiality of applicant financial information. The department may publish and maintain a list of agents so qualified. The department of education may utilize the information and analysis provided by any qualified income verification agent in making determinations relative to applicant family income required to administer this chapter.

The department shall develop a fee schedule of amounts it shall pay for such income verification services. Such amounts shall be used to defray the costs that would otherwise be incurred by applicants in applying for local financial assistance programs.

Effective: 02/24/2006

3301-11-14 Dispute resolution.

If, at any time, a dispute arises regarding the eligibility of a student to participate in the scholarship program or any other aspect of the operation of the program, the department shall be the final authority in the resolution of the dispute.

A complaint shall be forwarded, in writing, by the aggrieved party to the department. Attached to the complaint shall be any documentation supporting the position of the aggrieved party. The department shall review the documents and make a final determination of eligibility within thirty days of receiving the complaint.

Effective: 02/24/2006
3301-11-15 Program administration.

The department shall establish dates that constitute the deadlines for the various activities related to the implementation of this chapter. The department shall also adopt such procedures as it determines necessary to implement this chapter. Such procedures shall include, but not be limited to:

(A) Procedures for handling incomplete applications;

(B) Procedures for performing income verification;

(C) Procedures for conducting the lottery specified in rule 3301-11-07 of the Administrative Code;

(D) Procedures for resolving questions of legal guardianship;

(E) Procedures for improving program administration and client satisfaction through surveys and other processes; and

(F) Procedures for reissuance of lost or damaged warrants.

Effective: 02/24/2006