



# Advocacy and Lobby Guide

This small guide outlines some steps OAIS member schools can take in support of collaborative efforts to encourage Ohio’s policy makers to thinking positively about independent school contributions to education in Ohio and to shape public policy wherever possible. Because OAIS is a small organization and there is only limited familiarity in Ohio with what independent education is, collaboration and coordination of our efforts are critical to our effectiveness.

OAIS welcomes suggestions from member schools as to how to make our effort more effective as well as how to make this guide more useful.



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## Strategy - double pronged

### 1. General Advocacy – Goals

- Help policy makers and public understand why independent school success depends upon protection from excessive regulation
- Shape favorable opinion of independent schools and their contributions to education Ohio’s children.
- Encourage policy makers to consider and ameliorate effects on independent schools before legislation or administrative rules are passed

Advocacy, a process much like “cultivation” of school supporters and donors, is most effective when it is an on-going activity of all member schools and integrated into their communications and advancement efforts.

### 2. Lobbying - Goals

- Defeat or ameliorate effects of any legislation or administrative rules reducing independence of member schools
- Support policies which enhance independence of member schools

Advocacy  
...identifying,  
embracing and  
promoting a  
cause....an effort to  
shape public  
perception...

*Marcia Avner, The  
Advocacy and  
Lobbying  
Handbook for  
Non-Profit  
Organizations*

*Lobbying  
...specifically focused form  
of advocacy to influence  
legislation ...and public  
policy  
Marcia Avner, The  
Advocacy and  
Lobbying Handbook  
for Non-Profit  
Organizations*

OAIS actively lobbies the General Assembly and communicates with the Ohio Department of Education about issues which the Board has prioritized as of significance to member schools. OAIS also provides alerts, information and resources to member schools for those issues which require a coordinated broader effort and draw on the connections made by individual schools.

Approximately 17,000 students are enrolled in OAIS member schools. Student enrollment in all chartered non-public schools (most religiously oriented) is 195,000 while public school enrollment is approximately 1,875,000. Since numbers are an important influence in politics, OAIS efforts must be especially focused and well-coordinated.

## **Advocacy Suggestions for Schools**

- Designate an administrator, perhaps in communications or advancement, to coordinate cultivation of the General Assembly members in whose districts your school is located (See Setting up a Legislator Visit p. 4)
- Include on a Board or committee agenda, discussion of legislative issues and the OAIS advocacy effort (Executive Director is willing to join that discussion when possible.)
- Maintain a list of Board members and key parents or others in the school who have a personal or other significant connection to General Assembly members and/or executive policy makers and are willing to make occasional phone calls or write occasional letters
- Invite the Representative or Senator from the districts in which your school is located to participate in a school event that showcases your school especially as it represents the values added of independent education, e.g. a robotics fair, special music or art events, speaking at an honor society induction ceremony, a service learning day, an environmental or “green” building or curriculum exemplar ...
- Visit your legislators occasionally in their district offices (See Setting up a Legislator Visit p.4 ); where several schools share the same legislator, collaborate
- Get to know your legislators and what their committees and interests are so that you can target invitations in which they will be interested and offer your school’s expertise where appropriate.
- Legislative aides are a great source of information and have the ear of the legislator. If you can’t reach the legislator, cultivate and inform the legislative aide.
- When your school gets positive press, use the opportunity also to emphasize the value of independent schools for Ohio; cultivate the local press both for your school and to educate the public about value of independent schools

## **Resources Provided by OAIS to Schools**

- OAIS Brochure – includes information on Contributing to Ohio’s Communities
- Setting up legislator visits
- Contact Report for visits and other communication with legislators and policy makers
- Overview of Ohio’s school system including chartering process and state money (especially helpful background for trustees or parents who may not be familiar with this.)
- Talking Points on state support to chartered nonpublic schools
- Summaries and Talking or Key Points on specific topics as needed

## **Setting up a Legislator Visit**

- [www.legislature.state.oh.us](http://www.legislature.state.oh.us) is the website for the General Assembly. "Locating Legislators" is a section on the home page in which you can insert the legislators' name or district or the school's zip code to find the legislator's profile page. The profile includes information on the legislator's background and committee assignments as well as email and postal addresses. You may also email the OAIS office for assistance.
- Include the legislative aide in any meeting and communications as the aide may be more accessible than the legislator and as much or more involved in policy
- Provide targeted informative materials to leave with the legislator; summarize key points very briefly; OAIS brochure available for this purpose

## **Follow-up to a Legislative Visit**

- Write a brief thank you note
- Follow up with any information that the legislator expressed interest in
- Inform OAIS of legislative or other policy maker contacts and anything significant learned. An email including;
  - the policy makers contacted,
  - the date of the meeting,
  - any comments on the discussion and
  - any planned follow up

Alternatively, use the Contact Report on p. 7. Knowing what you have learned will be very helpful to OAIS in broader lobbying efforts.

**Listing by zip code of OAIS member schools with Senators and Representatives as of July, 2009**

<b>ZIP</b>	<b>SCHOOL</b>	<b>SENATE DIST</b>	<b>SENATOR</b>	<b>HOUSE DIST</b>	<b>REPRESENTATIVE</b>
43023-9141	Welsh Hills	31	Schaeffer	71	Hottinger
43054-8532	CJDS	3	Goodman	19	<i>Harris</i>
43065-7616	Village Academy	19	Harris	2	Jordan
43203-1769	Mansion Day School	15	Miller, R.	27	<i>Weddington</i>
43209-1620	CSG	3	Goodman	20	<i>Garland</i>
43213-3511	Columbus Torah	3	Goodman	20	<i>Garland</i>
43220-4825	Wellington	16	Hughes	24	Celeste
43229-3627	Marburn	3	Goodman	21	Bacon
43230-0745	Columbus Academy	3	Goodman	20	<i>Garland</i>
43614-1403	Maumee Valley	11	<i>Fedor</i>	47	Ujvagi
43713-9404	Olney Friends	96	Sayre	30	Wilson
44010-9745	Grand River	32	Cafaro	99	Newcomb
44022-6652	University School	24	Patton	17	Mandel
44039-2813	Lake Ridge	13	<i>Morano</i>	57	<i>Lundy</i>
44040-8002	Hawken	18	Grendell	98	Dolan
44040-9732	Gilmour	24	Patton	17	Mandel
44046-9707	Hershey Montessori	18	Grendell	98	Dolan
44094-7713	Andrews Osborne	18	Grendell	62	Fende
44116-2045	Ruffing Montessori - RR	24	Patton	16	<i>Baker</i>
44118-4214	Ruffing Montessori - CL	21	Smith, S.	9	Boyd
44122-1825	Hathaway Brown	25	Turner	8	Budish
44122-2110	Laurel	25	Turner	8	Budish
44122-7116	Agnon	25	Turner	8	Budisn
44124-	Ratner	24	Patton	17	Mandel

5002					
44135-2129	Birchwood	14	Foley	23	Miller, D.
44147-1317	Lawrence	24	Patton	17	Mandel
44210-0827	Old Trail	27	Coughlin	41	<i>B. Williams</i>
44236-1305	Hudson Montessori	27	Coughlin	42	<i>Moran</i>
44236-2926	WRA	27	Coughlin	42	<i>Moran</i>
44320-1128	Lippmann Day	28	<i>Sawyer</i>	44	Sykes
44321-2233	Spring Garden Waldorf	27	Coughlin	41	<i>B. Williams</i>
44718-3311	Canton Country Day	29	Schuring	51	<i>Oelslager</i>
45056-1015	McGuffey	4	<i>Cates</i>	53	Derickson
45208-3220	Springer	9	Kearney	33	Yates
45208-3300	Summit	7	Jones, S.	34	Stautberg
45227-3220	Seven Hills	7	Jones, S.	34	Stautberg
45229-1320	New School	9	Kearney	33	Yates
45243-2839	Cincinnati Country Day	7	Jones, S.	35	Maag
45249-1218	CHCA	8	Seitz	28	Pillich
45249-2234	Schilling	8	Seitz	28	Pillich
45429-1909	Miami Valley	6	<i>Husted</i>	38	Blair
45504-4618	Ridgewood	10	Widener	84	Hackett

N. B Education Committee members listed in italics  
To double check accuracy, go to [www.legislature.state.oh.us](http://www.legislature.state.oh.us)  
Enter zipcode under "locating legislators by zip code"



Report: Meeting/conversation with Policy Makers

<b>Name of Reporter</b>	
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<b>Date and Location of Meeting</b>
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<b>Names/All Participants:</b>

<b>Topics Discussed:</b>

<b>Comments on Discussion and Policy Maker Responses:</b>

<b>Follow- up (e.g. invitation to school events, requests for information)</b>

Please mail or email a copy to [koneil@oais.org](mailto:koneil@oais.org)



## **The State of Ohio and Private Schools: Essentials and Historical Background**

The State of Ohio currently recognizes 4 categories of schools:

### ***Public schools***

- 1) **Public School Districts** and their schools are chartered and regulated by the Ohio Department of Education. The vast majority of Ohio students, about 1.85 million, attend public schools.
  
- 2) **"Community schools"** acquired their name to avoid confusion with Ohio schools (both public and non-public) that are chartered under the authority of the State Board of Education.<sup>1</sup> About 10 years ago a national movement for school reform started the idea of states providing competition for the public schools by allowing start up groups to open schools using dollars that would be transferred from public school funding. Many states, including Ohio, have passed legislation implementing the "charter school" concept. Each state's program is different, but in most plans, money that might have gone to public schools is shifted to support these new schools that operate with a minimum of state regulation (each state varies on how much). "Community schools" in Ohio are "charter" schools in the context of the national school reform movement but because of Ohio's unique chartering system the ODE uses a different name, to avoid confusion. There is considerable debate in Ohio about the financial impact on public schools of the community schools and about whether there has been sufficient accountability since these schools are publicly funded.
  
- 3) **Religious schools** that accept no money from the state and only minimal regulation as a matter of religious principle are informally called "**08**" schools for the section of Ohio Administrative Code (3301-35-08) which exempts schools with "truly held" religious beliefs from the full sweep of state operating standards. They do not have charters or receive state funding but must meet safety and health requirements as well as a few minimal educational standards with regard to instruction and teacher qualifications. While the State Department of Education has the authority to ask for basic information from the "08"'s, it is difficult to keep track of them and to maintain accurate enrollment figures.

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<sup>1</sup> The Ohio Board of Education is a 19 member board which creates policy and makes recommendations that are carried out by the Ohio Department of Education which is the administrative agency led by the State Superintendent of Public Instruction and charged with implementing policy and programs. 8 members of the Ohio Board of Education are appointed by the Governor while the remainder are elected from one of 11 districts or At-Large. The Chairs of the House and Senate Education Committees serve ex officio on the State Board of Education

**4) Chartered non-public schools** (the Catholic schools, the independent schools in the Ohio Association of Independent Schools, the Lutheran Schools, and a portion of the Christian Schools) -- all have met Ohio Operating Standards for schools and are eligible for state money for transportation, auxiliary services, and reimbursement for administrative costs necessitated by reports required by the State of Ohio. Under the 2001 Operating Standards for Ohio Schools, chartered non public schools that are accredited by associations that have had their standards approved by the State Superintendents' advisory committee are monitored directly by those associations. (See OAC 3301-35-01) In the case of OAIS schools, OAIS has secured approval from the State of Ohio of its accreditation standards, i.e. those are the Independent Schools Association of the Central States standards with an Ohio Addendum. (In most states, independent schools and parochial schools receive virtually no public funding and are subject to far less regulation than in Ohio.) About 195,000 students are enrolled in all chartered non-public schools the vast majority of which are Catholic schools, Christian schools, or Lutheran schools. Roughly 16,000 students are enrolled in OAIS member schools. The majority of these are non-sectarian schools. Not all chartered non-public schools are members of an association.

### ***Public Funds Available to Chartered Non-Public Schools***

Chartered non-public schools are eligible for 3 kinds of financial support from the state.

#### **1) Bus transportation** (See ORC 3327.01)

Passed in 1966 *Ohio Fair Bus Legislation* established a policy of providing transportation to children in both public and non-public schools if they live more than 2 miles from the school of their choice but less than 30 minutes travel time.

#### **2) Auxiliary Services** (See ORC 3317.07)

Passed initially 1967 *Ohio Auxiliary Services Legislation* provided a variety of services for children attending chartered non-public schools. Additional legislation was passed in 1973 and 1975. Currently auxiliary services for which chartered non-publics schools are eligible include such items as textbooks, computer instructional software, psychologists, academic support programs, and speech diagnostic services and therapists, etc. Non-public schools must channel their requests for auxiliary services through the local public school districts in which the nonpublic schools are located.

#### **3) Administrative Cost Reimbursement** (See ORC 3317.03)

*Nonpublic School Administrative Reimbursement* legislation was passed in 1982. This provides direct payment to nonpublic schools to reimburse the costs of recordkeeping which is imposed upon schools by state mandates. The reimbursement cap has been raised to \$325 per student. Schools must keep detailed records of the expenditures to be reimbursed but, with the 2001 implementation of Ohio Operating Standards, the kinds of costs that can be reimbursed are quite broad.

### **Standards for Obtaining and Maintaining a Non-Public School Charter**

Ohio implemented new Operating Standards for schools in 2001. The new standards updated all changes that had been made in the operating standards since 1983. These are found in Ohio Revised Code sections 3301-35-02 to 3301-35-11. While the broad framework of the standards focuses on processes for governance and leadership with an emphasis on stakeholder consideration, data driven performance, and strategic planning and continuous improvement, some specific mandates from previous operating standards are retained such as graduation requirements, the length of the school year, and some curriculum provisions.

### **Implications of Chartering System for Independent Schools**

What we know informally from other independent school associations and from the National Association of Independent Schools is that Ohio stands apart in its approach to both the regulation and support of private (non-public) schools. Virtually all states have health and safety regulations for private schools. Some states impose teacher certification requirements and/or some very broad curriculum and diploma requirements. Some states have implemented textbook and busing aid programs for private schools, but none have as comprehensive a program of public support for non-public schools as Ohio.

How does this chartering system affect OAIS member schools? The most notorious effect began in 1992 when the State of Ohio announced that it would mandate statewide proficiency testing requirements. This sparked a multi-year effort by independent schools to oppose the imposition of proficiency testing upon private schools. Early on, political agreements were made to limit proficiency testing for the non-public schools to the 9<sup>th</sup> grade proficiency tests. One version of the proficiency testing bill would have exempted chartered non-public schools from proficiency testing but the Governor vetoed that exemption. After a number of years of debate back and forth, OAIS filed suit in federal court in 1995. An early ruling went against OAIS and at that point the National Association of Independent Schools supported an appeal. Independent schools around the country urgently hoped that such required state testing would be defeated. The appeals court found that OAIS's position had failed to demonstrate that the testing requirement would substantially encroach upon independent schools' discretion to design their own curricula.

As is common in extremely complex issues, our colleagues in the independent school world assume that the reason that Ohio independent schools must take state tests (now the Ohio Graduation Tests) is attributable primarily to accepting state funds for non-public schools. This oversimplification is likely based on the fact that regulation is a requisite of accepting federal funds; a number of independent schools do not accept federal funds in order to preserve their independence. In reality it is Ohio's system of chartering schools both public and non-public that resulted in the testing requirement. The chartering system is an intricate linking of constitutional interpretation, legislation, and administrative regulation developed over many years. (Contact OAIS office for article on this topic by Karin O'Neil in the Ohio School Law Journal.)

As early as the late 1800's and early 1900's Ohio had an education officer variously titled as Superintendent of Common Schools or State Superintendent of Public Instruction. By 1912 an amendment to the Ohio Constitution reestablished the position which had languished and by 1953 a constitutional amendment restored the State Board of Education. By 1953, Ohio Revised

Code 3301.7 made reference to the responsibility of the State Board of Education to develop minimum standards that would be applied to all elementary and high schools for the purpose of providing a general education of high quality. There was also provision for the State Board to “classify and charter high schools.”

The shelves of the State Library have Department of Education annual reports going well back into the 1920’s; a number of the schools currently in OAIS are listed in their own group in those reports throughout the 1930’s and 1940’s. While there are gaps in the documentation, it appears reasonable to assume that in the years since 1953, the processes for chartering schools and establishing minimum requirements for the charters were established and revised a number of times. By 1976, there was a State Department of Education process by which schools could apply for a college preparatory charter. The Miami Valley School in Dayton forwarded documentation of their college preparatory charter from 1976.

During the 1990’s when the great mandated testing battles were waged, some of the OAIS schools explored the implications of giving up their state money and their charters. They learned quickly that the Ohio system is so tightly woven that were they to give up their charters their graduates would not be eligible for any of the post secondary enrollment programs for high school students or for scholarships at state colleges and universities. Admission to Ohio colleges and universities would be affected as these require state sanctioned diplomas. Athletic teams could not be members of nor compete with members of the Ohio High School Athletic Association. Finally, independent school students would have been considered truant under Ohio law with parents facing stiff fines. OAIS’s loss of the legal battle on proficiency testing was primarily a function of the chartering system and not of accepting state monies.

Although independent schools continue to object in principle to mandated testing only minor adjustments have had to be made in curriculum and the OAIS schools as a group are at the top (upper 90<sup>th</sup> percentile) in their OGT pass rate. Because of the chartering system, however, and the small number of independent school students in relationship to public school and parochial school students in Ohio, OAIS believes that state legislation and regulation on education must be monitored for its impact on OAIS member school independence.

## TALKING POINTS... INDEPENDENT SCHOOLS (as chartered non-public) AND STATE FUNDS

- Independent schools are governed by independent boards of trustees and financed privately.  
Because state funds are offered to the entire class of “chartered non-public” schools, it is only fair and equitable for OAIS schools to be included in the auxiliary funding program.
- State programs (bus transportation, auxiliary services and administrative cost reimbursement) provide only a small portion of independent school funding.  
Ohio’s independent schools award in student financial aid more than three times the amount received in state support.  
The bulk of independent school tuition is paid by parents or raised from endowment and fundraising activities. Parents also pay state and local taxes which support public schools in addition to independent school tuition.
- Independent schools are only 4-5 % of all chartered non-public schools in Ohio. Thus, they receive only a small portion of the funds offered to all chartered non-publics. Independent schools educate about 17,000 students of the 195,000 students in all chartered non-public schools.
- The bulk of Ohio support of chartered non-public schools goes to bus transportation and materials and resources (auxiliary services), all of which are dispersed through the local public school district. Only the reimbursement for administrative costs (for costs incurred in making mandated reports to the state or federal government) goes directly to the non-public school. Ohio regulates private schools more than any other state in the nation.
- Independent schools are socially responsible. Their budgets for tuition aid of all kinds average about 10 % of their expenses. On average, 16% of students in Ohio independent schools receive financial aid grants that average nearly \$8000 per student. Much of this aid enables independent schools to fulfill their commitment to diversity in their communities. According to the 2002 National Center for Education Statistics, students who attend private schools are twice as likely to complete college degrees as students who attend public schools and, even more significantly, *private school students whose families come from the lowest quartile economically are four times more likely to receive a higher education degree than students of similar who attend public school.*
- Independent schools contribute socially and economically to their communities. They provide a variety of jobs, make purchases large and small, offer public cultural events, and offer use of some of their facilities for community functions. Their staff members serve in various volunteer capacities.

### ***Brief History of Public Funding for Non-Public Schools***

1930 *Cochran v Louisiana Board of Education* – U.S. Supreme Court upheld LA statute providing nonsectarian text books to both public and nonpublic school students. Reasoning became known as the “child benefit theory”

1947 *Everson v. Board of Education* – U.S. Supreme Court upheld NJ statues providing bus fare reimbursement for nonpublic school students under the child benefit theory.

1965 *Elementary and Secondary Education Act* – Federal legislation that provided assistance to educationally and economically deprived children regardless of the school attended.

1966 *Ohio Fair Bus Legislation* – Provided transportation to children in both public and non-public schools if they lived more than 2 miles from the school of their choice but less than 30 minutes travel time. Upheld by Ohio Supreme Court

1967 *Ohio Auxiliary Services Legislation* – Provided variety of services for children attending chartered non-public schools. Funding channeled through the local public school districts in which the nonpublic schools were located. Upheld by Ohio Supreme Court. (Ohio Senate Bill 350)

1973 *Ohio Auxiliary Services Legislation* – Textbooks, instructional materials and equipment etc. added to the program. Upheld in Federal District Court.

1975 *Meek v. Pittinger* – U. S. Supreme Court upheld the loaning of textbooks to non-public schools.

1975 *Ohio Auxiliary Services Legislation* – Sections on personnel services struck down but funds for textbooks, equipment, field trip transportation upheld in Federal District and U. S. Supreme Court.

1982 *Nonpublic School Administrative Reimbursement* – Direct payment to nonpublic schools to reimburse the costs of recordkeeping requirements mandated by federal or state government.