

# SPONSOR UPDATE

## JULY 2021

**Peggy Young,**  
**Director**

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### OUR MISSION

The mission of the Education Division of Buckeye Community Hope Foundation is to establish strong public community schools by adhering to quality authorizing practices, ensuring responsible oversight, and setting high standards for school performance.

### OUR VISION

The Education Division's vision is strong communities of healthy, well-educated students, and a future in which all students have access to a high quality public education. Ohio thrives as increasing numbers of schools graduate students equipped to assume a positive role in society.

### ***Gongwer News Service: Most of House's K-12 finance plan adopted***

In the final days of June, the Ohio Senate and House of Representatives reached agreement on the state biennial budget bill (H.B. 110), meeting the June 30 deadline for passage by both chambers.

According to *Gongwer News Service*, a new system for funding primary and secondary education in Ohio crafted over the last three years has been enshrined in the state's operating budget.

The conference committee agreed to return to the K-12 funding plan crafted by the House after the Senate excised it in favor of its funding formula. The upper chamber voted 32-1 to adopt the panel's report, and the House followed suit with a vote of 82-13.

The House plan, which was developed in part by Speaker Bob Cupp (R-Lima) and former Democratic Representative John Patterson, establishes new individualized base costs per pupil for each of the state's school districts and determines every district's capacity for generating revenue locally based on property and income wealth factors within a community.

Gongwer also reported that along with restoring HB 1 "almost entirely" to the budget, Representative Scot Oelslager (R-Canton) said the conference report also:

- ◆ Specifies that the plan only applies to the next two years;
- ◆ Maintains direct funding for private school vouchers and charter schools;
- ◆ Restores the House's direct funding model for open enrollment;

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## SENATE PASSES REPORT CARD OVERHAUL BILL

By a bipartisan vote of 31-1, the Ohio Senate passed legislation (S.B. 145) to overhaul Ohio's school and district report cards to feature five graded components and a five-star rating system.

According to Senator Andy Brenner (R-Powell), who chairs the Senate Primary and Secondary Education Committee and sponsored the bill, the proposed new report cards will result in "a simpler and more easily understood report card."

Brenner characterized S.B. 145 as passed by the Senate - which now moves to the House for further consideration -- as a compromise between his bill and a report card reform bill introduced in the House (H.B. 200) that reflects significant stakeholder input.



### *K-12 finance plan — continued*

- ♦ Puts Student Wellness and Success funding inside the formula "with guardrails on the eligible uses that are similar to current law;"
- ♦ Allocates \$50 million to the School Bus Purchase Fund;
- ♦ Sets funding for charter and STEM school facilities at \$500 per pupil; and,
- ♦ Excises the school funding oversight commissions and cost studies proposed in the House-passed budget.

Senate President Matt Huffman (R-Lima), who previously raised concerns that the costs of the House funding plan could balloon over its proposed six-year phase-in, said the language limiting the formula to two years is intended to ensure lawmakers don't tie the hands of their successors.



"The outyear costs are still a significant concern, No. 1," he said. "Two, no matter what we do about predictability, all spending decisions under our constitution are two-year decisions."

The inclusion of most of the House K-12 funding plan in the budget bill earned praise from lawmakers on both sides of the aisle in the House and Senate.

### *BCHF's 2021 Leadership Summit examines culturally responsive schools*

Buckeye Community Hope Foundation's (BCHF) 2021 Leadership Summit was held on June 10 and 11 with over 100 school leaders in attendance. The Summit theme, *The Courageous School: Reclaiming Student Learning Through Culturally Responsive Education* was interwoven through general and breakout sessions during the two days. Though the conference was held virtually via Zoom, school leaders had time to plan with their school teams and collaborate with leaders from other schools.

Features of the Summit included a keynote presentation by Twana Young, who emphasized that all educators leave a legacy for their students, positive or negative. Young demonstrated how both mindset and planning can build relationships and lead to successful academic achievement. Dr. James Harris spoke on *Supporting Student Mental Health*, highlighting the role of consistent routines and procedures, as well as advocacy on behalf of students in need. Demia Kandi gave *A Student's Story* that illustrated how students are

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## STATE BOARD QUESTIONS USE OF RELIEF FUNDS

At its June meeting, the State Board of Education's Budget Committee responded to a presentation on federal relief fund usage with questions regarding how the Ohio Department of Education (ODE) will use a portion of the more than \$7 billion allocated for K-12 education through various pieces of legislation.

Brendan Shea, an elected member representing District 10, asked why about 10 percent of the initial school relief funds was not allocated to schools.

States are only authorized to allocate 0.5 percent of the funds for administration. ODE staff told board members that "The vast majority of the remaining 9.5 percent for state activities is going out the door to entities and organizations" – including educational service centers, information technology centers and not-for-profit organizations.



## Leadership Summit — continued

marginalized by unchecked biases, lack of representation and gaslighting. She said the role of "a champion" may be the critical factor in student success in schools.

Leaders participated in sessions on frameworks for culturally responsive education, literacy, support systems, and activities and examples. Leaders were able to engage in breakout sessions to discuss plans they have for the coming school year. Ideas generated at the Summit will be the basis for professional development opportunities in the coming 2021-2022 school year.

## House education bills advance to Senate

In June, the Ohio House of Representatives passed two education bills – one removing a mandate and the other imposing one – and sent them on to the Senate for further deliberations.

Bipartisan H.B. 105, sponsored by Representatives Scott Lipps (R-Franklin) and Brigid Kelly (D-Cincinnati), would require all public schools to provide annual age-appropriate instruction on child sexual abuse prevention for kindergarten through grade six students, and sexual violence prevention for students in grades seven through 12.



Photo courtesy of Capitol Square Review and Advisory Board

House Bill 82, sponsored by Representatives Jon Cross (R-Kenton) and Don Jones (R-Freeport) would eliminate the existing requirement that schools administer ACT or SAT tests to students in their junior years. Under the bill, the state would continue to fund the assessments for students who choose to take them.

## Governor signs fourth COVID-relief bill

Early June, Governor Mike DeWine signed legislation (H.B. 170) into law -- the fourth piece of legislation to allocate more than \$2 billion from the federal CARES Act and Consolidated Appropriations Act.

The bill will provide more than \$787 million for schools to use in support of low-income and other vulnerable students, for expanded mental health services and technology for remote learning, and to purchase cleaning supplies. The funds are also intended to support initiatives – like after school and summer programs – to help students who have fallen behind academically due to the COVID pandemic.

## **OHIO SUPREME COURT RULES AGAINST DISTRICT IN FIREARMS CASE**

The Ohio Supreme Court has ruled against a Butler County school district's policy allowing staff to carry firearms in schools without extensive training or experience. The seemingly never-ending case was resolved by a divided court, with Chief Justice Maureen O'Connor joining the three Democrat justices in ruling that the school district's policy violates Ohio law which requires armed staff to complete approved basic peace officer training or have 20 years of experience in law enforcement.

Efforts to change the law to allow staff to be armed without meeting the current training or experience requirements through legislation continue.

House Speaker Bob Cupp (R-Lima) weighed in.

"Now that the Supreme Court has decided and we know how the law reads to independent judges, you'll probably see some movement on that bill," Cupp said in reference to H.B. 99. He believes it's best to allow school districts to make decisions regarding the arming of staff.

## **House debates racism education bill**

In June, the Ohio House State and Local Government Committee began deliberation on legislation – H.B. 322 sponsored by Representative Don Jones (R-Freeport) – on the controversial issue of what some refer to as “critical race theory.”

Key provisions of the bill would prohibit schools from teaching: that one race is inherently superior to another race or sex; that an individual – by virtue of race or sex -- is inherently racist, sexist or oppressive; that an individual – by virtue of race or sex – bears responsibility for actions committed in the past by other members of the same race or sex; and, that the advent of slavery in the United States constituted the true founding of the nation.



“The goal of that indoctrination is to alter how our children view the United States,” Representative Jones said in testimony before the committee. “The goal is to train children to believe the United States is fundamentally racist, and by association our children are somehow inherently racist.”

“Just because the bill prohibits inculcating that the United States and its citizens are inherently racist does not mean the unfortunate parts of our history cannot be taught,” he continued. “Nowhere in this bill does it say the atrocities of racism, slavery, and their effects on our nation and nation’s laws cannot or should not be taught. In fact, they need to be taught.”

The committee also considered legislation (H.B. 327) introduced by Representatives Sarah Fowler Arthur (R-Rock Creek) and Diane Grendell (R-Chesterland) that would prohibit schools from teaching “divisive concepts” – including that the United States is fundamentally racist or sexist -- or accepting private funding to further them. The bill would allow “divisive concepts” to be discussed as long as no particular ideology is being promoted. According to Representative Fowler Arthur, a law is needed to prevent schools from teaching students that they are responsible and bear guilt for events that happened before they were born.

## THIRD GRADE READING PROMOTION SCORE CONSIDERED

At its June meeting, the State Board of Education's Teaching, Leading and Learning Committee voted unanimously to maintain the current "proficiency" score of 683 for the English language arts assessment, allowing for consideration by the full board in July.

District 1 board member Diana Fessler questioned why the score was not being increased annually as required by state law until it reflects true proficiency, or between 700 and 724. Ohio Department of Education staff responded that the score, as approved by the board for the 2019-2020 school year, has not been used for promotion of students to fourth grade because of the COVID-19 pandemic and its significant impact on K-12 education.



## Dynamic school leader pursues community focused goals

As Robert Aitken wraps up SMART Academy's third school year, he's thinking ahead to the future. By design, he has functioned as both superintendent and school leader, which also, of course, included handling all the K-4 school's COVID disruptions and challenges. But now, as he and the school's board look to the future, Aitken has a clear vision and a more targeted role.

"I realized that to move our community school agenda forward I needed an experienced principal with a track record of success to manage day-to-day operations," Aitken said. "I was fortunate to find an ideal candidate who brings all the right knowledge, skills and experience to the position. Yolanda Rodriguez is a phenomenal fit for SMART!"

For some, the "community" label is simply Ohio's unique reference to charter schools. But Aitken firmly believes that Ohio's best community schools are



L-R: Robert Aitkin, Yolanda Rodriguez, Jereme Sykes and Craig Moro

those that truly focus on serving their local communities.

Rather than sitting back and watching students become "at-risk" as teens and young adults, Aitken's vision is for a school that serves families in the surrounding neighborhood, providing equitable access to much-needed resources.

"I'm fortunate to work with a board that shares my vision," Aitken said. "Most of our board members have served since the school's inception. They are very supportive of my efforts to move the plan forward. One member in particular – Jereme Sykes – has been a tremendous help. As a pastor, he has great relationships with many people in the community. He understands the community's needs, is highly engaged, and is committed to bringing about positive change."

A first step in building the sense of community that Aitken seeks is establishing after-school athletic programs for SMART students. The initiative's mission is to create solid student athletes who are grounded in effective communication skills, commitment to serving,

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## **EMERGENCY CONNECTIVITY FUND RESOURCES AVAILABLE**

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The American Rescue Plan Act of 2021 establishes the Emergency Connectivity Fund – a \$7.17 billion program to provide relief to students, schools and libraries that lack access to a stable internet connection or the technology needed to support remote learning during the COVID-19 pandemic.

Distribution of funds will take place through the federal E-rate program.

Access updated information about the fund online at: <https://www.fcc.gov/emergency-connectivity-fund-program-basics>

Access E-rate’s library of resources and information about the program for Ohio’s schools and libraries online at: <https://ohio-k12.help/ecf/>



### ***Community focused goals — continued***

and character development embodied in moral and ethical reasoning. The three Cs – communication, commitment and character – align with SMART Academy’s philosophical pillars: accountability, responsibility and trust.



Aitken recently hired Craig Moro to serve as athletic director and to teach physical education. He has lots of relevant experience that positions him well in leading the launch and full implementation of SMART Academy’s after school athletics programs when the new school year begins. Mini Owls Athletics will engage students in kindergarten through second grade in fall, winter and spring sports and dance, with a focus on fundamentals. Owls Athletics will also feature seasonal activities including track, soccer, basketball, wrestling and basketball for the school’s third and fourth grade students.

Aitken reached out to Garfield Heights Councilman Michael Dudley seeking a partnership that would allow SMART Academy to utilize two near-by athletic fields that have gone unused for many years.

“The fields need a lot of work,” Aitken said. “We plan to build a community service component into the program, encouraging involvement by students, their family members and friends, and members of the local community. This initiative represents more than SMART Academy students – it’s building something for the community, too.”

Aitken sounds a lot like a dropout prevention and recovery school leader in describing his vision: providing needed support to local residents – serving as a one-stop shop where families can access financial literacy, job and career readiness, and mental health resources and services, and more.

“We can only build families up if we give them the resources they need to be successful,” Aitken said. “We need to focus on the whole family, which ties philosophically to our school’s core values. My hope is that at the end of our next three years I’m talking about all the awesome things we’ve put into place – that we’ve formed dynamic partnerships throughout the community, and identified and addressed the many barriers to success that our local families face.”

### ***Summer school program extends beyond academics***

Like many schools, Noble Academy – Cleveland is offering a summer school program this year that will hopefully help students who fell behind during the most challenging school year in Ohio history.

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## NOTEWORTHY RESEARCH

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FutureEd and Everyday Labs analyzed attendance data from five school districts enrolling a total of nearly 450,000 students. The analysis finds spiraling rates of absenteeism that could have devastating consequences for student learning. Access the report online at:

<https://www.future-ed.org/present-danger-solving-the-deepening-student-absenteeism-crisis/>

A survey from the Tennessee Education Research Alliance at Vanderbilt University finds that more students were chronically absent last fall than in previous years, and absenteeism increased the most among English learners, students of color and students who are economically disadvantaged. Access the brief - *Schooling During COVID-19: Fall Semester Trends from Six Tennessee Districts* - online at:

[https://peabody.vanderbilt.edu/TERA/covid19\\_fall\\_semester\\_trends.php](https://peabody.vanderbilt.edu/TERA/covid19_fall_semester_trends.php)

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## Summer school — continued

While the focus of the 12-day, three-week program is on academics, the school's leadership recognizes that students also benefit from and deserve some fun after a difficult year of remote and hybrid learning. Every student – or “scholar” as Noble refers to them – spends time with the art or music teacher twice a week.

“I’m interested in gardening and thought that would be a fun activity to engage scholars in as part of their summer school experience,” said Colleen Endrizzi, who teaches music at the school. “I think the kids are enjoying their gardening experiences as much as I am.”

Endrizzi structured the gardening project to provide unique experiences for the K-8 school's younger students, with first and second grade students creating fairy gardens, third grade students planting and maintaining a vegetable garden, and fourth grade students focusing on landscaping with perennial and annual flowers, and ground covers.



The school building is currently undergoing renovations, which include a new main entrance to the building. Thanks to Endrizzi and her fourth grade students the area will be beautifully landscaped, creating an inviting entrance for all who enter the building.

The school's property backs up to a cemetery where the ground was tilled to create a spot where plants in the small vegetable garden can thrive.

Endrizzi said it's been fun to explore the school grounds with the kids. Some started out put off by the bugs and not wanting to get dirty. But they adapted quickly and now love time spent working in the dirt.

Noble's scholars are also building on their awareness of the importance of sustainability of the earth's resources through composting. They receive cups to take home, fill with compostable materials and bring back to school to add to the new compost bin located on the school's grounds.

“Some of our kids have a little bit of experience with gardening,” Endrizzi said. “But for many, gardening is a completely new experience that they've quickly embraced.”

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## **INDUSTRY- RECOGNIZED CREDENTIALS GUIDE AVAILABLE**

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The Industry-Recognized Credentials Guide and other related resources are now available to assist schools in discussing the key elements of credentials and identifying credentials that help students acquire and leverage the skills needed for quality in-demand jobs that meet the needs of the business community.

Access the resources online at:  
[http://education.ohio.gov/  
Media/Ed-Connection/  
June-21-2021/Industry-  
Recognized-Credentials-  
Guide-available](http://education.ohio.gov/Media/Ed-Connection/June-21-2021/Industry-Recognized-Credentials-Guide-available)



### ***Summer school — continued***

Endrizzi credits the school's leader, Lea Hammond, for her support including providing everything needed to make the gardening initiative a success. She also appreciates the assistance provided by the school's administrative assistant – Holly Kovach – who is known for her green thumb.

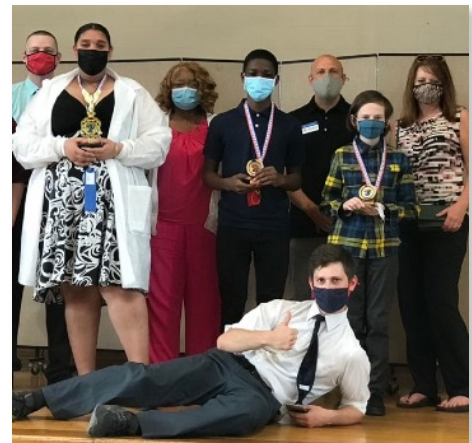
Endrizzi is proud of her students for staying focused on academics and for embracing new ideas and activities.

“After a year of remote and hybrid learning, it's been great to have students back again for summer school,” she said.

### ***The show must go on!***

Like other schools throughout Ohio and the nation, Lincoln Park Academy doubled its efforts to keep students engaged throughout the COVID-19 pandemic school year. The best schools looked for and found ways to continue traditions – like Lincoln Park's annual science fair – while keeping students and staff safe.

“Our teachers really work hard at keeping students engaged – and that priority didn't change during our most challenging year,” said Principal Alissa Clugh. “We weren't able to involve parents as we do under normal circumstances, but it was still a very positive experience for the students who participated.”



Students in grades six through eight were eligible to participate in the science fair which was a great learning opportunity – not only from a science perspective, but also in terms of developing their presentation skills and building their confidence.

The student scientists were invited to choose a topic from a comprehensive list – from comparing the cost and quality of various make-up products, to investigating which products work best in terms of absorbency.

Students followed basic steps of the scientific method of investigation: asking a question, performing research, establishing

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## NEW ATTENDANCE TOOLS AVAILABLE

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Attendance Works has released new materials for the summer: *Pathways to Engagement: A Toolkit for Covid-19 Recovery Through Attendance*; and, *Building Bridges to School* – a handout with ideas and actions schools can take to encourage attendance this summer and fall.

Access the resources online at: <https://www.attendanceworks.org/resources/toolkits/pathways-to-engagement-a-toolkit-for-covid-19-recovery-through-attendance/>

and

<https://docs.google.com/document/d/1CBDDTa79r68VhWUDlyFtpkaffaTAJDC9/edit>



### Show — continued

and testing a hypothesis, making an observation, analyzing the results, drawing a conclusion, and presenting the findings.

“A couple of students approached me at the last minute with reservations about presenting after seeing other students’ presentation boards,” Clugh said. “I gave them pep talks – reminding them that the science fair isn’t about who puts together the most attractive board. It’s about the scientific process.”

One of the students who expressed last-minute concern about the quality of his presentation board placed second in the competition.

Students presented to judges over a two-day period, answering clarifying questions to reveal depth of knowledge around each project. The panel of judges included nearly every member of the school’s board, ACCEL (the management company that runs the school) central office team members, and Maureen Barbessi who works closely with the school as a regional representative for Buckeye Community Hope Foundation.



“I was so impressed with the students,” Barbessi said. “They clearly put a lot of thought and work into their projects and were justifiably proud to present their findings to the panel of judges. It was a great experience for everyone involved.”

“Our annual science fairs are funded by the school’s board,” Clugh added. “We’re fortunate to have highly engaged board members who enjoy interacting with our students. That engagement has increased over time.”

The winner of this year’s event – one of the school’s brightest students – created a prosthetic hand, after building four prototypes. It was highly impressive work for an eighth-grade student.

“I saw kids in a whole different light during the two days of presentations – there was a lot of pride in the room,” Clugh said. “They dressed up for the event, stood a little straighter, and projected confidence. It was great!”

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## **SHARE YOUR STORIES!**

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There are countless untold success stories within Ohio's charter school community and the Buckeye Community Hope Foundation (BCHF) family of schools – from outstanding student achievement and personal growth to unique ways in which parents, board members, teachers, administrators and others are providing meaningful student support.

That's always the case, but the 2020-2021 school year presented unique challenges that required administrators, teachers and staff to rise to the challenge of minimizing disruptions to students, keeping them engaged and focused on academics.

Does your school have an initiative you're particularly proud of? Or perhaps you have special plans for summer learning opportunities aimed at helping students regain ground lost during this difficult school year.

If you have a story to share, please contact your BCHF school representative or send an email to:

[cwest@buckeyehope.org](mailto:cwest@buckeyehope.org)

## **UPCOMING PROFESSIONAL DEVELOPMENT EVENTS**

Buckeye Community Hope Foundation (BCHF) is pleased to partner with Frontline Education, host of its online professional learning opportunities catalog which is continuously being updated! Be sure to sign up with Frontline using your sponsored school name. Frontline will track individuals' professional development activities — a convenient resource for schools' Local Professional Development Committees and for licensure renewal. **To register for one of the sessions below, go to BCHF's Professional Learning Opportunity Catalog at the following link:**

<https://www.mylearningplan.com/Webreg/catalog.asp?H=1&D=22359>

### **NEW SCHOOL LEADERS' ORIENTATION – August 3, 10 a.m. to 3 p.m.**

Are you a new school leader or a school leader who wishes to "refresh" their information? Join BCHF for the New School Leader Orientation! The goals of the orientation are to support leaders by presenting vital information about the charter school world, by compliance, fiscal monitoring, and supports for school development. At present, BCHF plans to offer the orientation in person at its training room in Columbus, but registrants will be updated as plans unfold.

### **RESTART READINESS AND THE CENTRALIZED REPORTING SYSTEM – August 6, 9 to 11 a.m. (via Zoom)**

Give your students an advantage! Join BCHF for an exciting overview of the State Restart Readiness Assessment and Centralized Reporting System (CRS). The Restart System gives students several opportunities to take full Benchmark State assessments. Schools and staff will receive actionable data in real time. Learn how teachers will use the Checkpoint assessments to fine tune their instruction to meet the needs of students in specific areas. These tests will be administered in the same system as actual Ohio State Tests.

### **ACCELERATING LEARNING – August 12, 3 to 4:30 p.m. (via Zoom)**

How will schools address "COVID learning loss" in the coming 2021-2022 school year? This session will present useful strategies for getting students back on track. Participants will explore teacher clarity, "spaced" practice and checkpoints, and tip-to-tip learning progressions as promising practices. This session relates to the use of Restart and Readiness Assessments, and meets the needs of curriculum planners and leaders, teachers and instructional coaches.

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## COMPLIANCE UPDATE

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### 2021-2022 Opening Assurances

*The following applies to new schools, schools that are undergoing construction, or changing address:*

In order for Buckeye Community Hope Foundation (BCHF) to certify to the Ohio Department of Education (ODE) that schools are eligible to open for the 2021-2022 school year, the following items *must be current 10 business days prior to the schools' first day for students*. Documentation should be uploaded to SharePoint or e-mailed to your sponsor representative:

- ◆ Building lease (or proof of ownership)
- ◆ Occupancy permit (for first year in building or recent renovations)
- ◆ Health & safety inspections
- ◆ Fire inspections
- ◆ School emergency plans
- ◆ Liability insurance

### Attention OEDS-R administrators

As the deadlines for Opening Assurances draws near, please be reminded to review and update information in the OEDS-R system, paying particular attention to changes in personnel. As always, if you have questions, please contact your school's sponsor representative.

## UPCOMING PROFESSIONAL DEVELOPMENT EVENTS —*continued*

### VERBAL AND NON-VERBAL DE-ESCALATION TECHNIQUES USING THE CRISIS PREVENTION INSTITUTE PROGRAM – August 11 in Cleveland and August 13 in Columbus, 9 a.m. to 3:30 p.m.

A dysregulated adult cannot regulate a dysregulated student. This session will empower participants to apply techniques and strategies used to de-escalate dysregulated stakeholders. Upon completion of the session, participants will be able to apply both verbal and non-verbal de-escalation strategies, recognize when and how to apply safe holds to ensure safety, and use release techniques to maintain personal safety while keeping a safe and secure environment. This training is intended for members of the school's crisis intervention team; it fulfills Ohio guidelines for restraint and seclusion training. Register for the session closest to you. Please note that the Cleveland session will be held at Noble Academy (1200 E. 200th St., Euclid) and the Columbus session will be held at the BCHF Offices (3021 E. Dublin-Granville Rd., Columbus).

### SUCCESSFUL CLASSROOM MANAGEMENT – August 15 to September 15 (*Online course via Moodle*)

This course examines the key factors that make a classroom successful in terms of both climate and achievement. The behaviors of the teacher determine the behaviors of the students. By implementing the procedures and strategies discussed in this training, your students will exhibit model behavior and decorum and they will be prepared to excel academically. The course is a month-long asynchronous class. Participants work at their own pace and submit regular assignments for credit.

### TEACHER BOOTCAMP – August 31 & September 1, 4 to 5:30 p.m. (*via Zoom*)

Are you ready for the challenges of the 2021-2022 school year? Do you have questions about classroom management or lesson delivery? These quick-start sessions will provide helpful hints, tools and strategies to use as you face the new school year. Join BCHF for an interactive, virtual session for all teachers who want to learn more about efficiency in the classroom. The first day will explore classroom management strategies and the second day will focus on lesson delivery.

### **SAVE THE DATE: BCHF'S "ALL SCHOOLS" MEETING – September 15 (*via Zoom*)**

BCHF will host its annual "All Schools" meeting virtually this Fall due to the need to make advance speaker and location arrangements. More information will follow in the August newsletter!

# LEGAL UPDATE

## ***U.S. Supreme Court rules in favor of free speech***

*By Stephanie Klupinski, Vice President of Legal Affairs*

The United States Supreme Court recently issued its ruling in *Mahanoy Area School District v. B.L.*, or what has become known as “the cheerleader case,” which was discussed during Buckeye Community Hope Foundation’s (BCHF) May 25 legal update seminar.

Brandi Levy, a Pennsylvania cheerleader, used her phone to Snapchat “F\*ck school, f\*ck softball, f\*ck cheer, f\*ck everything,” after learning she had not made the varsity cheerleading squad. She sent the message on a weekend from an off-campus location. Some students saw her messages and shared it with the cheerleading coaches. The school, upon learning of Brandi’s Snapchats, decided to suspend her from the junior varsity cheerleading squad for using profanity in connection with an extracurricular activity. Brandi and her parents sued the school, claiming the punishment violated her freedom of speech under the First Amendment.

The Supreme Court agreed with Brandy in an 8-1 opinion authored by Justice Breyer. In this case, although she used expletives, Brandy was expressing frustration at not making the team. She did not name the school or any individuals in her messages. And, of course, the messages were sent from an off-campus location on a weekend, during a time when she was not participating in any school activity.

The Court used the *Tinker* standard to find that the school overextended its authority by punishing Brandy. The standard refers to the 1967 landmark case, *Tinker v. Des Moines Independent Community School District*, when a student was punished for wearing a black armband to protest the Vietnam War. In that case, the Court found that the speech was protected because the armbands were unlikely to cause a substantial disruption. The *Tinker*

opinion explained that students “do not shed their constitutional rights at the schoolhouse gate.”

Brandi’s speech also did not cause a substantial disruption. Classmates and teachers admitted that while there was some discussion of the message during school hours, it amounted to no more than a few minutes. Breyer explained that “courts must be

more skeptical of a school’s efforts to regulate off-campus speech, for doing so may mean the student cannot engage in that kind of speech at all.”

While this was a huge victory for student speech — the first in fifty years — the court was clear to point out that schools are not wholly prohibited from disciplining students for some off-campus speech that causes “substantial disruption of learning-related activities or the protection of those who make up a learning

community.” Breyer’s opinion noted several examples of off-campus speech that might allow a school district to discipline students, including “serious or severe bullying or harassment targeting particular individuals; threats aimed at teachers or other students; the failure to follow rules concerning lessons, the writing of papers, the use of computers, or participation in other online school activities; and breaches of school security devices, including material maintained within school computers.”

Like many Supreme Court cases, the decision here is very context specific. BCHF staff will continue to monitor developments in this type of student off-campus speech cases. In the meantime, in light of this decision, schools should be very wary of disciplining students for off-campus speech and work closely with their counsel if the situation arises.



# SCHOOL IMPROVEMENT

## *Teaching the past*

*By Kim Jones, School Improvement Representative*

June 1, 2021, marked the 100<sup>th</sup> anniversary of the Tulsa Massacre. Unfortunately, this event is one of those historical events about which many people know nothing. This is due to people trying to erase it from history and thus omitting it from textbooks. I personally learned about this event in college and if I am honest, it made me so sad. I was angry to learn about why and how this happened to any race of people. However, it was an all too familiar tale of racial injustice that had been sewn into the DNA of our country. Now as I look at this through the lens of culturally responsive teaching, I feel that events like this can be used to strengthen race relationships by acknowledging it and learning from the mistakes that occurred. I am a firm believer that we should not be ashamed of our past, but instead use it to correct the future.

So, what was the Tulsa Massacre? Let me briefly describe it (hopefully, this will motivate you to read more). To understand the significance of May 31 and June 1, 1921, you must know how it started. Beginning in the 1830's Native Americans were being forced off their land in the South, so they began their journey -- with their families and their enslaved Africans -- west on what is known as the Trail of Tears. Some of the Native Americans settled in Tulsa, Oklahoma. As a group, they were given an area to settle on and the Native Americans began rebuilding their lives and community.

This area was richer than anyone knew, with only later discovery that the Native Americans' land was rich with oil. The discovery of oil created an increase in population of other groups, and over time Native Americans were forced off this land as well.



In addition, the abolishment of slavery meant many of the former enslaved families began working to buy land across the tracks from the current community. This area grew and due to the racial inequality and separation (white business owners often refused to service black people), changes occurred throughout the community and country. This was the foundation for the creation of what is often referred to as Black Wall Street. Black Wall Street consisted of the area of Greenwood and Pine (the two cross streets where the black community started) that

amassed about three to five blocks. They had grocery stores, auto repair shops, hotels, hospitals, doctors and dentist offices -- the list goes on and on.

The Black people of this community created everything they needed and were living "the American Dream" to the point that they did not need to go to the white community for

anything (unless it was government related). What should have been looked upon as the blueprint of success for a community of color became the reason many of the white citizens in the neighboring community become angry and envious of the money circulating in the black community. Things were said about this community of Blacks getting too big for themselves and that they were taking money and food from the tables of the white citizens, and "something" needed to be done.

On May 31, 1921, many people found that "something." A 19-year-old black man, who shined shoes in the white community, stepped in an elevator to go to the restroom (as he usually did). The elevator was operated by a young white woman and as the story goes "something happened" -- whatever

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## *The past — continued*

that something was. Next, the young lady screamed, and the young male ran off the elevator to his home. Later that evening, he was arrested and taken to jail. Word spread quickly through rumors of what happened throughout both communities, and by the morning Black Wall Street was no more. Again, I am purposely leaving out details because this story -- like many others that have been omitted from history -- deserve to be heard in their fullest capacity. I have listed resources for obtaining more information.

My purpose for writing about what happened in Tulsa, Oklahoma in 1921 is twofold: First, I think it is an important piece of history that was purposely omitted until recent years. Second, but more importantly, I want to help educators understand that it is important to educate oneself and not to rely totally on textbook as the only source of information. I say this to educators often because it is true.

I feel the education that we provide should empower our learners and nothing is more empowering than the truth. Teachers often state that engagement is one of the key issues in the classroom, but as one of our speakers at the recent Leadership Summit stated so eloquently, *"You cannot engage, who is not empowered."* I encourage you, as school leaders, to encourage your teachers to create lessons that meet students'

behavioral, emotional and cognitive needs for learning. This will allow for creating a *safe* environment where discussions and risks can be taken in the learning process. Those risk are not only for the students but can be for educators as well. All topics are not always easy but some of the best learning comes from tackling harder tasks.

### **Resources for learning more about the Tulsa Massacre of 1921**

Ball, A., (2021). *Across the tracks: Remembering Greenwood, Black Wall Street and The Tulsa Race Massacre*. Abrams Incorporated. New York.

Beard, H and Madigan, T., (2021). *The burning of Black Wall Street and the Tulsa Race Massacre of 1921*. Henry Holt and Company. New York.

Gandhi, L., (2021). *Tulsa Race Massacre: Fact checking myths and misconceptions*. NBC News.com. <https://www.nbcnews.com/news/nbcblk/tulsa-race-massacre-fact-check-n1269045>

Latham, J., (2017). *Dreamland burning*. Little, Brown, and Company. New York and Boston.

OWN Spotlight: (2021). *The legacy of Black Wall Street*. <https://youtu.be/ripyf99Rtf4> and [https://youtu.be/-\\_ajFUTuaqo](https://youtu.be/-_ajFUTuaqo).

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