



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

EDUCATION, PUBLIC INSTITUTIONS, AND LOCAL GOVERNMENT COMMITTEE

THURSDAY, JANUARY 15, 2015

11:00 A.M.

STATEHOUSE ROOM 116

AGENDA

- I. Call to Order
- II. Roll Call
- III. Approval of Minutes
 - Meeting of November 13, 2014
- IV. Presentation
 - Stephanie Morales
Member, Board of Education
Cleveland Metropolitan School District
 - Dr. Renee Middleton
Dean, Patton College of Education and Human Services
Ohio University
- V. Committee Discussion
 - Regarding the Thorough and Efficient Clause in Article VI, Section 2
- VI. Adjourn

STEPHANIE MORALES

Stephanie Morales works as a human resources business partner at Nationwide Insurance. She is a graduate of Cleveland's John Marshall High School, and holds a bachelor of science degree from Regent University, and a master of public administration degree from Cleveland State University. Ms. Morales is the parent of three CMSD students. She lives on the West Side of Cleveland with her husband and children.

Ms. Morales was appointed to the Cleveland Municipal School District board of Education in 2013.

**Remarks of
Stephanie Morales
Board of Education Member
Cleveland Municipal School District
before the
Ohio Constitutional Modernization Commission
Education, Public Institutions and Local
Government Committee
Thursday, January 15, 2015
11:00am**

Good morning Chairman Readler and members of the Committee. Thank you for the opportunity to testify before you today as you engage in the important work of reviewing the education provisions of Ohio's Constitution.

My name is Stephanie Morales and I currently work as a customer service manager for Nationwide Insurance. My husband and I are also the parents of three daughters who attend the Cleveland public schools. Our oldest daughter is a freshman at John Hay Early College High School in Cleveland's University Circle neighborhood, and our youngest two are in the 4th grade and 2nd grade at Garfield K-8 School in our West Park neighborhood. I am proud to say that I am also a graduate of Cleveland's John Marshall High School, and have a bachelor's degree from Regent University and a master of public administration from Cleveland State University. Two years ago Mayor Frank Jackson appointed me to the Cleveland Board of Education.

I come before you this morning, not as a constitutional law scholar, or as a school finance expert, but rather as a mother, a volunteer school board member and thus as someone who knows first-hand the challenges that urban school districts, like Cleveland, face in providing educational opportunities to their students.

Our school district is one of the poorest in Ohio. One hundred percent of our students qualify for free and reduced meals. Many of our students come from single-parent families or are being raised by a family member other than a parent. Many of our families are transient and move frequently within, or in to and out of, our school district. Some of our students are homeless and a number do not speak English as a first language.

However in recent years the assessed valuation of real estate property in our school district has declined. This decline in property value combined with lower tax collection rates have resulted in a decrease in local property tax revenue for our school district.

Thus recognizing the reality of those challenges that many urban school districts face, the funding provided to local school districts by the State of Ohio is critical.

What does that mean to Cleveland specifically? In this current fiscal year our school district will receive over \$420 million in State Foundation Aid to help cover our operating costs and for property taxes levied prior to 2013, the State of Ohio currently pays a 12.5% share of local property taxes on owner-occupied homes.

In addition to that, the Ohio Facilities Construction Commission provides our school district with two-to-one matching funds on approved school construction projects.

In 2001, after the roof at one of our high schools collapsed, we placed a \$335 million bond issue for school construction on the ballot, which voters passed. Those bond proceeds combined with the State matching funds have allowed us to build 30 new school buildings and to renovate another seven schools in the past ten years in order to ensure our students have a conducive, safe and comfortable environment to learn. Were it not for State support of our school construction projects, my children and all of our other 30,000 plus scholars like them would not have that opportunity.

Last November our voters approved an additional \$200 million bond issue which will allow our school district, with the continued help of State matching funds, to build and renovate the remaining school buildings in our district.

As I previously stated, I am not a constitutional scholar, and I would leave it to others to determine the true meaning of the phrase in Article 6, Section 2 of the Ohio Constitution, “a thorough and efficient system of common schools throughout the state”, words that could be strengthened or made more specific. However, whatever revisions to the Constitution this Committee or this Commission might recommend, I ask that you consider taking no action that might be interpreted as weakening the State’s duty to provide for a quality education for ALL of Ohio’s children regardless of where in the State they might live. As we aim to compete in a global marketplace, it will be imperative that we not allow for the creation of school finance systems that contribute to the underachievement of students in low-income, urban school districts like Cleveland.

Now, as a member of the only unelected Board of Education in Ohio, I would also like to take a quick moment to speak to the right of local communities being able to determine how their local board of education is structured.

In 1997 the Ohio Legislature adopted House Bill 269, which transformed the Cleveland School District as a municipal school district, whereby the members of the board of education are appointed by the Mayor, rather than elected directly by the voters. In 2002 after four years of observing their school district under this mayor-appointed board governance structure, the voters of Cleveland passed a referendum to continue this system, rather than revert back to an elected board.

This is a governance structure that has the support of the community and has worked very well in Cleveland for 17 years under three different mayors.

I would ask that any in any revisions that you might recommend to Article 6 of the Constitution, you would maintain the right of a local community to determine how best to structure its local board of education, and not mandate the direct election of board members if the local voters prefer a different system.

This Committee and this Commission is charged with important work in studying the Ohio Constitution and recommending amendments. I appreciate the opportunity to participate in your process this morning, and I thank you for your time and attention.

RENÉE A. MIDDLETON

Renée A. Middleton, dean of The Patton College of Education at Ohio University, serves on the board of directors of the National Board for Professional Teaching Standards, a nonprofit organization dedicated to elevating the voice of accomplished teachers in shaping a true profession and raising student achievement. She also serves on numerous boards, including the American Association of Colleges for Teacher Education and the Coalition of Rural and Appalachian Schools. She received her bachelor's degree in Speech and Hearing with a minor in Behavioral Sciences from Andrews University in 1981. She received her master's degree in Clinical Audiology with a minor in Speech Pathology and Behavioral Sciences from The University of Tennessee in 1983. She received her doctoral degree from Auburn University in 1990, with a focus on Rehabilitation Administration and a minor in Rehabilitation Counseling and Education.

Dean Middleton is a distinguished educator with a strong commitment to transforming teaching and learning in our schools. She has spent her career ensuring equity and excellence in education (P-20) and is a tireless advocate for ensuring that every student in America has the chance to learn and grow under teachers whose knowledge and skills have been verified through a peer-reviewed, performance-based process. The Dean has 19 years of experience with consulting, working with issues like public school strategic planning for diversity and rehabilitation counseling and multicultural diversity, within the Office of Special Education and Rehabilitation Services, the National Institute for Disability and Rehabilitation Research, the Food & Drug Administration: Center for Devices & Radiological Health and the Alabama Board of Examiners in Counseling working on Ethics/Consumer Protection.



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**The Gladys W. & David H.
Patton College of Education**

Testimony of Dean Renée A. Middleton, Ph.D.

The Patton College of Education – Ohio University
Ohio Constitutional Modernization Commission
Chad A. Readler, Chair
Edward L. Gilbert, Vice-Chair
January 15, 2015

Chair Readler, Vice-Chair Gilbert and members of the Education, Public Institutions, and Local Government Committee of the Ohio Constitutional Modernization Commission—thank you for the opportunity to address the committee on this most important topic. My name is Renée A. Middleton, Dean of the Gladys W. and David H. Patton College of Education at Ohio University.

Public Education in America is almost as old as America itself, dating all the way back to 1820. Almost 200 years later, this country and our state, sadly, is still debating issues that we thought were settled long ago.

The Ohio Constitution offers rules and guidelines – mandates on what we can and cannot do, mandates on what we’re guaranteed, mandates on how to live our lives. Indeed, for more than 160 years the Ohio Constitution has mandated that the state provide a “thorough and efficient” system of common schools throughout the state for the education of our state’s children (Steinglass & Scarselli, 2004). Ohio has been a forerunner in this regard. Today, I wish to share why I believe Ohio got it right in 1851 and why these three simple yet powerful words—“thorough and efficient”—must be retained. I also wish to offer a perspective on why the public common school must be retained at all cost if our democracy is to thrive.

“Thorough and efficient”—I am proud of these three words, and you should be too. Since 1851, these three words have established the foundation of education in Ohio. The Constitution guides who we are and what we value as a state. And yet, there are

those who wish to alter or eliminate these three words from the Ohio constitution. If we erase or alter “thorough and efficient,” we erase our history, our accountability, and our obligation and commitment to all of our state’s children, especially the least of these—the economically disadvantaged and other underrepresented populations. We expunge why the State needed to affirm our values for liberty, justice, and the common good for all of Ohio’s children.

Currently, the Ohio Constitution requires the State to provide and fund a system of public education and includes an explicit directive to the General Assembly.

“Thorough and efficient,” these words are there for a reason. They serve a purpose. They speak to our history and our development as a people and a state. We are unequivocal about holding ourselves accountable to providing a “thorough and efficient” education to all of Ohio’s children having a fundamental right to a high-quality education regardless of race, class, or gender. Regardless of political representation, power, or the lack thereof—these words in our constitution speak to our better selves. They also keep us from acting on the “prejudices of the day” (Neff, 2007, pg. 95).

The Ohio Constitution speaks to what we value and who we value without exclusion or equivocation. All states have living histories just as its people—histories that our constitution has the ability to either invalidate or validate. Prior to 1851, Ohio failed to validate the history and realities of economically depressed communities. We failed to recognize that although our children live in communities with complex cultures, traditions, and economic disparities, they can learn and have the right to receive a “thorough and efficient” education. Understanding the linkages between past and present is absolutely basic for a good understanding of the condition of our public schools. That, in a nutshell, is why history matters. It is not just ‘useful,’ it is essential. States that erase their past become rootless. And why should that matter? The answer is that our state is made up of people. People who feel themselves to be rootless live rootless lives, often causing a lot of damage to themselves and others in the process—we lose as a state (Corfield, 2008).

Our constitution is our highest standard of law and promise to our children. No citizen, legislative body or elected official is removed from their obligation to adhere to its standards. It is not subject to the whims of any political party. Whether we adhere to it or not, it is ever present, to remind us of what we as a state stand for. In many ways, the constitution lets us know where we're succeeding and where we need to improve. It establishes our ambitions and vision for who we are and what we seek to be—it is our moral compass and the legal standard of promise to every citizen. Now, if we're not meeting our constitutional obligations, we continue to work across party lines to ensure we live up to the values we set for ourselves. What we cannot do is eliminate or alter our constitution with respect to "thorough and efficient" simply because it is a challenging standard to meet. We must not lower constitutional standards simply because we have disagreements about how to best meet them; we should not lower our constitutional standards simply because we think we cannot aspirationally or financially meet them; and we cannot lower our constitutional standards simply because we don't desire public accountability.

The Constitutional mandate of Section 2, Article VI of the Ohio Constitution imposes a direct obligation upon the State of Ohio to provide a "thorough and efficient" system for the public education for Ohio's children. Not for some, but for all children. If we do not retain these three words, our history shows that a "thorough and efficient" education for all children will not happen. We are likely to repeat the mistakes of our past and exacerbate the inequitable actions of our past, and for many of our children and families, a lingering present reality. What is needed are specific standards by which compliance with the mandates of Section 2, Article VI can be measured and enforced. That is the role of the General Assembly.

Every student should have access to a quality education, to current technologies and well-established curriculums and instructional tools – measurable standards and equitable resources. Our state must recognize that "thorough and efficient" is not just about Ohio's inadequate and unconstitutional system of funding public education, in particular. It is also a cornerstone of public education. It is about understanding the

basis and historical purposes of public education in general. Ohioans must recognize what we place at risk if we lose public education.

Why do we have public education? Why do we need it? Public education was established for many reasons, but it was established first and foremost to safeguard the democracy of our nation. It was established to ensure that we have an educated citizenry, one that understands the values and ideals that we have continued to hold dear as a nation. Good citizenship, understanding the importance of free speech, working collaboratively with others, building strong communities, protecting the rights of others, understanding the perspectives of others – all of these form the basis of our democracy and are foundational to public education.

Many things in this country are negotiable. The fundamental right to a “thorough and efficient” quality education cannot – and should not – be one of them. And yet, education – the very fabric of our success – divides us.

In a world that can be unfair, public education must be fair and equitable. Not everyone has equal access to a great education. Not everyone has a clear path to success. Given the odds that many must overcome, our system has to be effective. We have to hold ourselves to a high standard of achieving against all odds. We have to. Our constitutional laws are designed so that the weakest, poorest and most vulnerable are protected. And we must have – and maintain – judicial oversight to ensure this.

Public education is about educating children. It’s about educating children regardless of their background, regardless of what deficits they face, regardless of what challenges they must overcome. And I believe we can do that in an equitable way without sacrificing excellence.

In seeking to educate all, the public school system will always be in constant need of improvement to meet modern societal demands. But it will not be improved by turning

our back on “thorough and efficient.” We all come from different backgrounds – ethnic, economic, religious, this, that and the other. We have different ways of looking at the world. We have different hopes and goals and dreams. But we all have value, positioning us with the inalienable right of receiving a quality, thorough, and efficient education. We do not get to decide which students we educate, but we do get to decide how well we educate them. We must never forget that responsibility or shy away from that duty. The success of our children – and this nation – depends on it.

Ohio must determine or define what “thorough and efficient” means in today’s modern world. It seems to me that it will be important for the state to determine and fund the components necessary for ensuring a high-quality education without the overreliance on property taxes. The Legislature or General Assembly has a responsibility to Ohio’s citizens to secure adequate funding for essential educational opportunities for all. We also must reaffirm our commitment to public education.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Renée A. Middleton', with a stylized, cursive script.

Renée A. Middleton, Ph.D., Dean
The Gladys W. & David H. Patton College of Education
Ohio University

Corfield, P.J. (2008). All people are living histories – which is why History matters. www.history.ac.uk/makinghistory/resources/articles/why_history_matters.html

Neff, J. (2007). A thorough and efficient definition of “Thorough and Efficient”: The starting point for meaningful school funding reform. *Journal of Education Finance*, 33 (1), pgs. 69-104.

Steinglass, S.H. & Scarselli, G.J. (2004). *The Ohio State Constitution: A Reference Guide* (Westport, CT): Prager (pg. 206).



OHIO CONSTITUTION ARTICLE VI, SECTIONS 1-3 (CURRENT)

§ 6.01 Funds for religious and educational purposes

The principal of all funds, arising from the sale, or other disposition of lands, or other property, granted or entrusted to this State for educational and religious purposes, shall be used or disposed of in such manner as the General Assembly shall prescribe by law. (1851)

§ 6.02 Schools funds

The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state. (1851)

§ 6.03 Public school system, boards of education

Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts. (1912)

OHIO CONSTITUTION ARTICLE VI, SECTIONS 1-3 (PROPOSED)

§ 6.01 Public school system

The General Assembly shall provide for the organization, administration and control of the public school system of the state supported by public funds, without discrimination as to race, color, national origin, sex or religion. No religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.

§ 6.02 Boards of education

Where established by the General Assembly, each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.



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Alternative # 1 Proposed Change to Art. VI, Section 2:

Education being a fundamental right, the General Assembly shall provide for and fund an efficient, safe, secure, thorough, equitable, and uniformly high-quality education through a system of free common schools throughout the state, including a system of early childhood education designed to assure that the children of Ohio have basic school-readiness skills. No religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.



MEMORANDUM

To: Commissioners of the Ohio Constitutional Modernization Commission
From: R. Suskey, The Ohio Center for Law-Related Education
Subject: Evaluation criteria for creation of education materials for classroom educators
Date: 01/15/15

The Ohio Center for Law-Related education serves as the primary civics education organization for Ohio, and is most well-known for administering the High School Mock Trial program. After years of experience working with educators around Ohio, OCLRE program criteria have been honed to meet the following aims:

- 1) The materials and programs are useful to teachers
- 2) The materials and programs are practical in their application
- 3) The materials and programs reflect best practices within the field

Although balancing these aims can be challenging, we have found that incorporating all of them makes it most likely that educators will implement the programs in their classrooms.

1) The materials and programs are useful to teachers

Teachers in Ohio are facing an ever-increasing list of curricular requirements, making many reluctant to take on new programs or materials. In order to overcome this hesitancy, we have found that materials “sell” better when they are of high value to educators. Value can generally be measured by the following:

- The program or materials require little to no resource creation on behalf of the teachers—this includes having lesson plans, worksheets/assignments, grading rubrics, etc.
- The program does not require significant investment of time in the teacher’s curriculum and/or is flexible to an extent that it can be adapted to fit into available time
- If program includes a culminating activity or assessment, the timing of this activity/assessment is at the discretion of the educator
- The materials/program are fully aligned to Ohio’s New Learning Standards at any applicable grade level, with the standards clearly marked within the materials
- The materials/program fulfills multiple learning standards (at least 5)
- The materials/program can take the place of a unit or lesson teachers are already required to teach

2) The materials and programs are practical in their application

It is essential that designers take into consideration the reality of most teachers’ environments. Teachers do not always have flexibility in timing, content, resource allocation, and a host of other factors that can make implementing a new program difficult. Acknowledging other stakeholders and easing the burden on educators increases the likelihood of successful implementation. Practicality can generally be measured by the following:

- The materials include information that teachers can share with principals, school boards, or superintendents to help justify the new addition

- The program/materials do not have a cost for teachers
- The program/materials are accessible both digitally and in hard-copy
- The program/materials include instructions for teachers and resources to close any potential gaps in their own knowledge of the content

3) The materials and programs reflect best practices within the field

In addition to meeting curricular standards that teachers are required to meet, designers should also ensure that they are integrating accepted best practices within the field of social studies education. With the next generation assessments being instituted in Ohio (PARCC), the materials should also be designed to help support literacy and math skills across the curriculum. This can largely be accomplished by the following:

- The program/materials help teachers employ one or more of the Six Proven Practices of Civics Education (produced by the Campaign for the Civic Mission of Schools, see attached)
- The program/materials are written at an appropriate literacy level (should be in the “Stretch Lexile Band” published by the writers of the PARCC exam for each grade level)
- Materials include advice to scaffold the lessons (draw back the material in increments to ensure students can build upon each piece of knowledge) and make modifications/accommodations for students with IEPs



Six Proven Practices of Civic Education

- 1. Classroom Instruction:** Schools should provide instruction in civics & government, history, economics, geography, law, and democracy. Formal instruction in these subjects increases civic knowledge and increases young people's tendency to engage in civic and political activities over the long term. However, schools should avoid teaching only rote facts about dry procedures, which is unlikely to benefit students and may actually alienate them from civic engagement.
- 2. Discussion of Current Events and Controversial Issues:** Schools should incorporate discussion of current local, national, and international issues and events in to the classroom, particularly those that young people view as important to their lives. When students have an opportunity to discuss current issues in a classroom setting, they tend to have a greater interest in civic life and politics as well as improved critical thinking and communication skills.
- 3. Service-Learning:** Schools should design and implement programs that provide students with the opportunity to apply what they learn through performing community service that is linked to the formal curriculum and classroom instruction.
- 4. Extracurricular Activities:** Schools should offer opportunities for young people to get involved in their schools or communities outside of the classroom. Studies show that students who participate in extracurricular activities in school remain more civically engaged then those who did not, even decades later.
- 5. School Governance:** Schools should encourage meaningful student participation in school governance. Giving students more opportunities to participate in the management of their classrooms and schools builds their civic skills and attitudes.
- 6. Simulations of Democratic Processes:** Schools should encourage students to participate in simulations of democratic processes and procedures. Evidence shows that simulations of voting, trials, legislative deliberation and democracy, leads to heightened civic/political knowledge and interest.