



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

---

### MINUTES OF THE EDUCATION, PUBLIC INSTITUTIONS, AND LOCAL GOVERNMENT COMMITTEE

**FOR THE MEETING HELD  
THURSDAY, MAY 14, 2015**

#### **Call to Order:**

Chair Chad Readler called the meeting of the Education, Public Institutions, and Local Government Committee to order at 9:45 a.m.

#### **Members Present:**

Chair Readler and committee members Beckett, Brooks, Curtin, and Taft were in attendance.

#### **Reports and Recommendations**

##### *Article VI, Section 1 (Funds for Religious and Educational Purposes)*

Counsel to the Commission, Shari L. O'Neill, presented for the first time, the report and recommendation on Article VI, Section 1 (Funds for Religious and Educational Purposes) to which the committee recommended no changes.

Article VI, Section 1 provides that the principal of all funds arising from the sale or other disposition of lands or other property that is granted or entrusted to the state for educational and religious purposes, shall be used or disposed of in such manner as the General Assembly shall prescribe by law. Originally adopted in the 1851 constitution, the provision specified that the principal of all funds of this nature would forever be preserved inviolate and undiminished, and that the income from those funds must be applied to the specific objects of the original grants or appropriations.

Ms. O'Neill summarized the history of the provision, which dates back to the Northwest Ordinance, when school lands provided by the federal government to the Ohio territory helped establish education as a priority of the new nation. The 1802 Enabling Act, by which Congress provided Ohio a path to statehood, furthered this educational goal by containing an unusual provision that offered Ohio one section, number 16, in every township or other equivalent lands, that would solely be dedicated to the establishment of schools. The 1802 Ohio Constitution

further reinforced the importance of education by providing in Article VIII, Section 3, that “religion, morality, and knowledge, being essentially necessary to good government and the happiness of mankind, schools and the means of instruction shall forever be encouraged by legislative provision, not inconsistent with the rights of conscience.”

Ms. O’Neill further indicated that these lands were leased by the General Assembly, with many leases being as long as 99 years and renewable forever, but after Congress permitted land sales with the consent of township residents, the state allowed that the proceeds from the sale of school lands would be deposited in the Common School Fund, to benefit schools within the townships. The report and recommendation further indicates that, over time, the state changed the entity responsible for the supervision of such lands, with responsibility now being entrusted to the board of education in each school district that was allotted these lands.

Describing ministerial lands, Ms. O’Neill noted that the designation of land for religious purposes stems from English and European traditions that established a state church and then allocated public resources for the support of that religious organization. Thus, the report and recommendation describes how Ohio’s ministerial lands were identified as section 29 in a number of counties that can be traced to the original “purchases,” two purchases by the Ohio Company, and one purchase by John Cleves Symmes, and that these “ministerial lands” are found nowhere in the United States but in these three parts of the state of Ohio. However, in 1968, after Congress acted to limit the use of sale proceeds from the sale of ministerial lands to educational purposes only, Ohio voters approved an amendment to Article VI, Section 1 that expressly allowed the General Assembly discretion to disperse money set aside in the trust fund.

Executive Director Steven C. Hollon said these reports and recommendations will be brought back to the committee, at its next meeting, for a vote. Once approved by the committee, they will go to the full Commission for its review.

#### *Article VI, Section 2 (School Funds)*

Ms. O’Neill then presented, for the first time, the report and recommendation on Article VI, Section 2 (School Funds) to which the committee recommended no changes.

Ms. O’Neill gave a description of the report and recommendation for Article VI, Section 2, relating to school funds, indicating that the provision requires the General Assembly to 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, stipulating that 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.

Ms. O’Neill stated that the section was adopted as part of the Ohio Constitution of 1851 and has never been amended, and that it includes the first use of the phrase “thorough and efficient” in the constitution of any state. She said 22 states are recognized as having constitutional provisions imposing educational standards similar or identical to Ohio’s thorough and efficient clause, but the definition of common schools as well as what constitutes a thorough and efficient system varies widely from state to state.

Ms. O'Neill concluded by stating that the report and recommendation indicates that the committee concludes that Article VI, Section 2 should be retained in its current form. She then invited questions and comments from committee members.

Committee member Paula Brooks asked why the report and recommendation for Article VI, Section 2 was simply to retain the provision as it is, rather than that it include a requirement of early childhood education as the committee had discussed. Ms. O'Neill answered that the report and recommendation had been drafted based upon the vote taken at the last Education, Public Institutions, and Local Government Committee meeting on March 12, 2015, and that the instruction from the committee had been for staff to draft a report and recommendation that simply retained Article VI, Section 2 in its present form.

Chair Readler confirmed that this had been the vote and the instruction to staff. Ms. Brooks stated that she would like the committee to reconsider that issue prior to approving the report and recommendation, because many speakers, experts in education, and other members of the committee all support the concept that access to early childhood education makes a positive impact on the ability of children to succeed in school.

Chair Readler then recognized Representative Michael Curtin, who complimented staff on the reports and recommendations.

Committee member Governor Bob Taft asked whether Ms. Brooks is contemplating a possible amendment to this language. She answered affirmatively and said she would be willing to work with Gov. Taft on this. He said he is sympathetic with the issue and agrees that early childhood education is important, but that the challenge is in trying to draft an amendment that would not be incredibly expensive to carry out. Ms. Brooks said there is plenty of data showing that early intervention is effective, and that investing in it pays off. She also said she accepts that the General Assembly could move forward on this issue, and that she hopes leadership understands that it is "pay me now or pay me later." She said early learning in the state is important, especially for children in an urban environment.

Chair Readler thanked Ms. O'Neill for her work on the reports and recommendations, and Ms. O'Neill acknowledged the assistance and contribution of Senior Policy Advisor Steven H. Steinglass in preparing the reports and recommendations.

### **Presentations:**

The committee received presentations from two speakers representing local boards of education.

*"Local Boards of Education"*

*Gary L. Baker, II*

*President, Columbus Board of Education*

*Columbus, Ohio*

Columbus Board of Education president, Gary Baker, II gave a presentation on the importance of the local board of education for urban school districts. In his remarks Mr. Baker provided

demographic data which demonstrates how diverse the student population is, the challenges this diversity brings, and the role the school board has in providing leadership to staff, to help each child reach maximum potential.

He said Columbus City Schools is the largest school district in the state of Ohio, encompassing approximately 127 square miles, and employing 8,000 staff members. The student population, of slightly more than 51,000 children in K–12, is comprised of seven nationalities including 58.09% African America, 27.28% Caucasian, 6.79% Hispanic, 5.35% Multi-racial, 2.15% Asian, 0.20% American Indian/Alaskan Native, and 0.04% Pacific Islander. The first language for 12% of the student population is something other than English. There are more than 90 different languages spoken across the school district. More than 83% of the students are considered economically disadvantaged. Approximately 14% of the students have been identified as having a disability, and only one fifth of the students are at the same school for an entire school year.

Mr. Baker stated with the challenges of so many different languages, socio-economic concerns, disabilities, and the mobility of a significant portion of the schools' population, the board has had to adapt and make accommodations in order to determine the best way to allocate and provide the resources needed for each child.

Ms. Brooks thanked Mr. Baker for coming. She acknowledged that school attendance is a huge factor in making sure children are able to succeed, asking whether there is anything the committee ought to be considering along those lines, such as mobility and housing issues.

Mr. Baker answered that everyone wants a safe community, good jobs, and wants to be able to put down roots and stay. He said neighborhoods have to be safe and secure, and people have to find employment. He said his district has many single parent families, parents with two or three jobs, and children who are homeless. He said anything that will help stabilize neighborhoods will help. He agreed that early childhood education is an important component for child success.

Governor Bob Taft thanked Mr. Baker for his willingness to serve in a leadership role, saying he is interested in Mr. Baker's decision to run, and asking whether it was expensive or difficult to campaign. Mr. Baker said he feels he has a calling to public service, so that running was a natural progression from that. He said serving on the board takes a lot of time, but board members are glad to do it because they have a commitment to the students. He said he is proud of the great strides the district has made.

Gov. Taft asked Mr. Baker whether he could address the issue of whether there are qualified persons in the community who are discouraged from running because of the rigors of campaigning. Mr. Baker said money and time are a factor, and that when he first ran he did not expect to be elected because there were no open seats, but that he beat a long-term incumbent. He said campaigning is about recruiting volunteers, being passionate, and fundraising. He said he made many appearances to let people know about his passion for the job. He said serving on a school board is a great opportunity to be a leader, and that the future of our country is the future of children.

Chair Readler asked whether the constitutional language in place is serving our community well, wondering, from Mr. Baker's perspective, what is the balance of power between the legislature and the districts. Chair Readler asked whether the constitution should be changed to alter that balance. Mr. Baker said the control of local districts should reside at the school board table, and that things as they work now do work relatively well. He said the General Assembly has provided local boards the opportunity to participate in the process. He said the current system has served us well, and that he is a firm believer that school boards should be elected by those individuals who reside in the district. Mr. Baker added that those who are elected must share a passion for education, must want to improve teaching and learning, and to focus on student achievement.

Ms. Brooks said she met with Mayor Frank G. Jackson in Cleveland, and complimented him on a board member, Stephanie Morales, who had presented to the committee about her experiences on the Cleveland Municipal School District board. Ms. Brooks repeated Ms. Morales' opinion that the appointment method for serving on a school board was preferred over the elective method. Ms. Brooks asked whether Mr. Baker sees a possibility for both systems to be used and to let the local people determine the best approach.

Chair Readler explained to Mr. Baker that the function of this committee is to see if Ohio's constitutional language is adequately addressing the needs of schools. Chair Readler asked Mr. Baker how he viewed the balance of power between the legislature and local school boards. Mr. Baker said control of local districts should reside at the school board level. The current system has served well. He continued, saying as much local power as possible should be retained and school board members should be elected.

Ms. Brooks said Cleveland has been served well by an appointed board. She asked Mr. Baker if he could say that both approaches should work and that there should be some flexibility to determine the best way.

Mr. Baker answered that he prefers local control, meaning that if people in a district want a hybrid board or one that is appointed they should have that option. He said he believes the best school board is one that is elected by residents of the district, but flexibility can be important as well.

Chair Readler excused himself from the meeting and Gov. Taft served as chair for the remainder of the meeting.

*Eric Germann*  
*Member, Board of Education*  
*Lincolnview Local Schools*

Lincolnview Local Schools' board member, Eric Germann gave a presentation regarding the importance of the local board of education for small and rural school districts. In his remarks Mr. Germann described local boards of education as the epitome of the concept of representative government.

He said the local board plays a vital role in shaping, adopting, and enforcing policy. The board levies, collects, and operates on tax revenue, maintains a balanced budget, and engages the community in developing both budget and tax policies. The board also works with economic development groups and business developers to encourage economic development and growth of the wage and tax base.

The board also serves as an arbiter for student and employee discipline, and provides the forum for those who wish to petition the governing body for change.

Rep. Curtin asked if Mr. Germann had any thoughts about what the state's policy ought to be in terms of the financial support for charter schools. Mr. Germann answered that the question ties back to accountability, indicating there are some effective charter schools and some that, if they were public, would be judged inadequate in their performance. He said that while his board is not necessarily opposed to charter schools, it has seen students transition out to charter schools and then, when the charter school doesn't work, the students come back, and by the time they come back all the funding has gone to the charter school. He said that online schools have a place, and work for some students. He said his board sees this as an accountability issue and an equity issue. He said, as a public school district, his district is judged on performance, and would be challenged if the numbers were bad, indicating this should also be the case for charter schools.

Rep. Curtin asked whether Mr. Germann and his colleagues feel comfortable being assertive with their state representatives, explaining that often board members are reticent in engaging state legislators. Rep. Curtin said he shares the view that charter schools are fine, if they are excellent, and that 75 percent are doing the job, but he said state legislators don't hear a lot from boards and superintendents of school districts. Mr. Germann said he is his board's legislative liaison, and that he enjoys meeting with legislators. He acknowledged that new board members sometimes have a reluctance to engage with legislators, worrying that if they push too hard they might make it worse for their districts, and also not knowing how lobby to or engage legislators. He said that is a barrier each individual has to break down.

Ms. Brooks asked Mr. Germann whether he feels early learning is well supported in his community, and whether students are getting adequate resources and if parents are able to afford it. She also asked whether there is flexibility to deal with transportation issues, and whether the current model of the elected school board is adequate to allow his board to tackle those issues. Mr. Germann said there is a county-wide Headstart program at the Thomas Edison Learning Center, and that they have worked out a cooperative transportation program. He said they are looking at various ways to move that program in-house or expand it. He said getting to students early and preparing them for school is important, and that it is possible to recognize the children who did not have preschool. Describing his district's transportation issues, he said their busses travel 144,000 miles per year, that they have 16 busses, and that hour-long bus rides are common. He said he prefers a locally elected board, and that election is best because board members are accountable at the ballot box.

*“Article VI, Section 3 (Public School System, Boards of Education)”*

*Steven H. Steinglass*  
*Senior Policy Advisor*

Senior Policy Advisor, Steven H. Steinglass made a brief presentation to the committee on the topic of Article VI, Section 3 (Public School System, Boards of Education) before the time allotted for the meeting came to a close.

Ms. Brooks asked whether the committee could return to Mr. Steinglass’s presentation at the next meeting, and Gov. Taft agreed that a more extensive presentation and discussion could occur at the next meeting, noting that before the committee can consider whether to retain Article VI, Section 3, the committee needs more information.

Mr. Steinglass offered to explore the policy discussion surrounding Article VI, which is that, while education is an important local issue, there isn’t a constitutional provision that requires that there be local school boards. He said he can’t figure out why the rural districts are excluded from the referendum. Gov. Taft agreed that the referendum applies to all cities, not just home rule cities. He said the issue should be discussed at a future meeting.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 11:00 a.m.

**Approval:**

The minutes of the May 14, 2015 meeting of the Education, Public Institutions, and Local Government Committee were approved at the October 8, 2015 meeting of the committee.

*/s/ Chad A. Readler*

---

Chad A. Readler, Chair

*/s/ Edward L. Gilbert*

---

Edward L. Gilbert, Vice-chair