



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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

FOR THE MEETING HELD  
THURSDAY, JULY 9, 2015

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

Governor Bob Taft called the meeting of the Education, Public Institutions, and Local Government Committee to order at 10:11 a.m. Gov. Taft explained that he was chairing the committee meeting today as both Chair Chad Readler and Vice-chair Edward Gilbert were unable to attend.

#### **Members Present:**

Committee members Cupp, Curtin, Macon, and Taft were in attendance.

#### **Presentations:**

*“Joint Vocational Schools”*

*Sue Steele*

*Board Member*

*Great Oaks Institute of Technology and Career Development*

Sue Steele, board member of the Great Oaks Institute of Technology and Career Development (Great Oaks) gave a presentation on the value of joint vocational schools. Providing statistics for Great Oaks, Ms. Steele state that Great Oaks has educates approximately three thousand high school students per year plus thousands of other students through other programs. She said more than twenty-four thousand adults have been served in the adult education programs. Approximately ten thousand students have earned their GED, and nearly 46 percent of those students have gone on to college. Great Oaks operates on money received from state and local resources. A 2.7 mill property tax levy provides 61 percent of needed funding, along with 36 percent from state funds, and grants and miscellaneous making up 3 percent.

Ms. Steele has been involved with Great Oaks for seventeen years, 13 of which she has served as chair or vice-chair. She explained some of the duties of the board which include, among other

items, hiring and budgeting, identifying possible ballot issues, determining policy, and setting and monitoring goals for the district. She further explained that some rule changes last year have created some concerns for the board. Specifically that future board members could be appointed instead of elected, and they can be term-limited. The concern being that this approach threatens the loss of institutional knowledge.

Gov. Taft asked Ms. Steele if she was speaking on behalf of all career centers to which Ms. Steele responded that she is speaking first on behalf of Great Oaks, but a workgroup has been established to ensure their voices are heard.

Gov. Taft asked, regarding current legislation on board composition, if the association is suggesting this be addressed through the constitution. Ms. Steele replied no, because they think they can address it through legislation. If necessary, they would work to go through the constitution but would prefer to work with the legislature. She further explained the concern with the changes is that local boards can now appoint business people, but what happens if the appointee does not live in the district and is not involved in the community. They might very well be an outstanding person, but without the local connection, they may be more focused on money than with seeing students succeed. Elected board members are held accountable by the public, but an appointee is not.

Representative Bob Cupp asked how many people serve on the board of Great Oaks. Ms. Steele replied that there are thirty-five board members. Rep. Cupp asked how the board functions with so many members. Ms. Steele explained there are five committees, with seven members each, which meet prior to the board meetings. The chairs of the five committees attend a second meeting where they describe what the committees have been working on. If an item needs to be approved, one of the chairs will make a motion; another chair will second the motion, then five chairs vote. She further explained with the diversity of the members of the board, they are able to accomplish a great deal. Ms. Steele said “We network a lot, using emails and phone calls.” She said everyone is there for the same purpose which is for the benefit of all the students which includes adults, juniors, and seniors. Ms. Steele then described the newest opportunity they’ve been able to bring into the middle schools, which is a pre-engineering program.

Ms. Steele further explained the board is very diversified, with every member recognizing they are all there for the same purpose – the students. Utilization of emails and phone calls help them maintain momentum in their work, rather than only conducting business at the monthly meetings. Ms. Steele said the newest initiative is to bring pre-engineering into the middle schools. In addition, the modern career center is a new environment in which students earn dual credits for college. Some students will have completed nearly enough credits for an associate degree when they graduate high school.

Rep. Cupp asked whether any school district has selected non-board members to be part of the larger board. Ms. Steele said she is aware of only three that have done so, with two of those selected being former board members. A third such member is a business person who knows a lot about career tech but has not been involved in the educational system. She said her board is concerned this type of appointment will become unmanageable as it is still a gray area with how the law is worded. The primary concern is that that CEOs and CFOs from private businesses will

take over the board. Ms. Steele said it is possible that the thirty-five people currently on the board could be gone by 2020, being replaced with a whole new board. She stated the Great Oaks program is tops in the nation and the board should maintain the status quo.

Rep. Cupp said complimented Ms. Steele and the other board members for the great work they are doing for Great Oaks.

Gov. Taft asked how many of the thirteen thousand students who take classes in their homes are enrolled in full time career tech at their home school. Ms. Steele responded none. She said they do have satellite programs, and students are there for part of the day.

Gov. Taft then thanked Ms. Steele for her presentation and for her years of service.

*“Educational Service Centers”*

*Al Haberstroh  
Board Member  
Trumbull County Educational Service Center*

Albert Haberstroh, board member of the Trumbull County Educational Service Center, presented on the value of educational service centers. Mr. Haberstroh said he was serving his eighth year on the Trumbull county school board as an elected board member, and he was here on behalf of the students.

Mr. Haberstroh explained what he does as a school board member, and the special interest he has in children with developmental problems. Speaking from personal experience, he talked about the role the educational service center played for his grandson, who as a young student was diagnosed as autistic and could not hear. He was placed in a special education program and corrective action was taken so he could hear. Today he is a happy, straight-A third grader.

Mr. Haberstroh said he believes as a board member he has a mission. He makes himself available to parents who have a child with developmental issues. He wants to do whatever he can to help the child attain success. He said one way he does this is to talk with students and ask them what they plan to do after graduation. If a student has not taken the ACT, for example, he will help them prepare for the test.

Mr. Haberstroh said the board is also a resource for adults who want to be teachers. The board provides professional development for 500 to 600 teachers so they can expand their capabilities, such as training them on how to explain the Common Core curriculum.

Another example Mr. Haberstroh provided of a board action related to bussing for special education students. They were able to partner with a local transit service for the elderly and save the county between \$3,000 and \$6,000.

Mr. Haberstroh closed by stating these are just a few of the things he and other board members do in their role.

Gov. Taft thanked Mr. Haberstroh for his service, and for sharing his very compelling, personal story.

Gov. Taft then asked for questions from the committee. Rep. Cupp asked if the constitution is set up properly for the legislature to make the laws or whether changes should go into the constitution. Mr. Haberstroh replied that he has asked for change, stating that districts are required to belong to an educational service center but they have no representation on the board. Because of funding issues, districts have had to combine, and there is a concern about how many districts will be represented on the board of the educational service center.

Mr. Haberstroh said he would rather have an elected board than an appointed board. Someone who campaigns for a seat on the board has a strong interest in the purpose of the board. If a board member is appointed, rather than elected, that person might not be as passionate.

Mr. Haberstroh gave an example of someone he served with who would never have been appointed. To her every student was special, and she wanted to make sure everyone had opportunities. She served on the board for twelve years, was a second grade teacher for 40 years, and, to this day, she sends every student she ever had a birthday card.

Rep. Cupp then stated that school district boards are elected, educational service center boards are elected, but joint vocational school boards are appointed. In the past, people have asked him why there is a difference. Rep. Cupp asked if it would be better to follow the joint vocational model and use the appointment process, wondering whether, for these elections, people really know who they are voting for. Rep. Cupp then asked Mr. Haberstroh for his thoughts on appointment versus election for these board positions.

Mr. Haberstroh stated that the people who are elected are similar to him. He belongs to political organizations, is active in his community, and donates to most neighborhood organizations in his county that are interested in education. He asked, "Do I care if any of them know who I am or that I support them? I would say someone who is running has a vested interest, but someone who is appointed may not be as enthusiastic."

Rep. Cupp asked Mr. Haberstroh if he felt, as a member of the local school board, that being appointed to the educational service center by the local board would make it better. Mr. Haberstroh said most local board members use the services of the educational service center, yet they have no clue that there are students for whom someday the highlight of their life would be being able to perform everyday activities like walking or using the bathroom without assistance. He said if there is too much division between the boards, it takes away the concentration on local districts, and might dilute both of the boards. He said the people on the educational service center board do not bring certain elements such as business acumen.

Mr. Haberstroh addressed the issue of a levy. He said "they do not have the means so they cannot put on a levy." He said it would be difficult for them to have a levy because it would be difficult to convey to the voters everything the board does. For example, the board has a program where they take children who would normally be in the juvenile system, and working with the police chief, let them stay in their homes and provide schooling. Mr. Haberstroh said that in relation to

his own school district, as a board member there he represents only 700 students, but in the educational service center he represents 30,000.

*Additional Testimony*

Gov. Taft then asked if anyone else at the meeting would like to testify. Executive Director Steven C. Hollon introduced Damon Asbury, Director of Legislative Services for the Ohio School Boards Association.

Mr. Asbury spoke briefly to note items that were circulated to the committee. Describing his organization, he said it represents 191 city school districts, 49 joint vocational school districts, and 52 career centers, with the remaining 300 plus districts being local school districts.

After describing the materials he circulated, he encouraged committee members to visit a career center in their communities, saying they would be impressed with the opportunities available. He said the schools were originally set up for students who were “not college material” but now they “try to create pathways for students.” He said Ohio has been a leader in the field of creating career education opportunities, and other states continue to look to our model.

Senior Policy Advisor Steven H. Steinglass asked if this should be covered in the constitution, or handled via legislation. Mr. Asbury replied that the legislative process would be the best; the constitution may be too general. He noted that it will be hard to create continuity if major joint vocational school board changes happen.

Rep. Cupp asked how the change to the joint vocational school boards should occur. Mr. Asbury said that change was attached to the budget, and that there was a stand-alone bill that never got a hearing but was just attached to the budget at the last minute.

Gov. Taft posed a question for Mr. Asbury to ponder, which was what percentage of students in 11th and 12th grade should be in full-time career tech programs and how that would be determined. Mr. Asbury said, unfortunately, the Ohio Department of Education does not have that information. Gov. Taft responded that he knows three years ago the number was about twenty percent. To Gov. Taft, that seems extremely low. Mr. Asbury said he will talk to colleagues about that and try to get up-to-date information.

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

*Steven H. Steinglass  
Senior Policy Advisor*

Senior Policy Advisor Steven H. Steinglass continued his review of Article VI, Section 3, public school system boards of education.

Mr. Steinglass reviewed his memorandum on Article VI, Section 3 that was distributed to the committee prior to the meeting. He pointed out that the first clause of Article VI, Section 3, “... supported by public funds,” is intended to ensure public funds do not apply to private and

parochial schools. He further explained that he is not talking about Article VI Section 4 (State Board of Education). He stated that he has not heard a great deal of clamoring for changes here.

Mr. Steinglass also remarked, regarding the first part of the second clause, there is a sense from reviewing the history that the size of some school boards had gotten a bit out of control. He still has not answered to his satisfaction why there is a limit to this clause applying only to urban schools and not to rural districts. He commented that the only answer so far seems to be that the rural school districts wanted it this way forty years ago, and referred to Delegate Knight's quote, contained in Mr. Steinglass' memorandum: "I have no desire to force a referendum on any people who do not want it." Dean Steinglass stated that he has not discovered any strong advocacy for changing these provisions.

Mr. Steinglass explained that the last part of the second clause has to do with elected versus appointed school board members. Referring to the Cleveland Municipal School District, Mr. Steinglass explained there is a state statute that gives the mayor of a city under federal desegregation orders (of which Cleveland is the only city) the authority to appoint members of the school board. The Cleveland mayor appointed school board members and the voters approved the appointment via a referendum. Mr. Steinglass also explained that the referendum was challenged in the courts, and the courts decided that while there has to be a referendum at some time, it does not have to come before the appointment. Four years after the appointment is not too long to wait.

Mr. Steinglass concluded his remarks by stating "We have a relatively bare bones provision, with questions that are not answered. The policy issue becomes whether this relatively-limited provision is the right way to go, or whether there are specifics that need to be changed."

Gov. Taft thanked Mr. Steinglass and asked for questions from the committee. There were none.

Gov. Taft stated that he wonders what would happen if the Cleveland approach proves successful. He asked whether this would prompt the legislature to allow other districts to have appointed boards. He said, as the constitution has been interpreted, apparently they could, so long as they include a provision allowing for a referendum within a certain number of years following the appointments. He asked Mr. Steinglass if this is correct, and Mr. Steinglass answered that is how he interprets the cases and the constitutional provision. He said there are two ways this could be done: from the bottom up using the petition process, or the General Assembly could impose it.

Gov. Taft then asked a question regarding religious liberty. He explained that the Colorado Supreme Court struck down a school voucher program under which a local board created the first district-level voucher program in the country. This particular proposal was declared unconstitutional by the Colorado Supreme Court based on the Colorado version of the Blaine Amendment, prohibiting public funds for private schools. In Ohio, programs have been upheld, so based on this broad grant of authority in Article VI, Section 3, does that mean there probably would be nothing precluding the legislature from authorizing local school districts to initiate district level voucher programs? Mr. Steinglass replied he has not read the case, or thought about

it, but tends to agree, although there may be something else there. His first reaction is to agree that there would not be a problem with that delegation under the Ohio Constitution.

Gov. Taft asked if there were any other questions for Mr. Steinglass, and being none, he thanked him for his presentation.

### **Committee Discussion:**

Gov. Taft then asked Mr. Hollon where the committee currently stands, noting that the committee needs to discuss Article VI, Section 3. He asked whether the committee should request a draft of a report and recommendation on Article VI, Section 3.

Mr. Hollon replied that there are currently two draft proposals to come before the committee – Article VI, Section 1 (Funds for Religious and Educational Purposes) and on Article VI, Section 2 (School Funds) – however, no action can be taken on these today due to lack of a quorum.

Mr. Hollon then commented that what the staff would like to see is a preliminary sense of the committee in order to have an idea of what they want with a particular provision. He said he does not perceive there to be a suggestion that the committee would seek a change to Article VI, Section 3 (Public School System, Board of Education). He offered that staff could start drafting a report and recommendation suggesting that Article VI, Section 3 be kept as it is, and could bring a draft forward at the next meeting just to expedite it, without necessarily taking a vote. Gov. Taft asked whether the committee thinks a change is desirable. Mr. Hollon said the staff is working to have Richard Ross come to the next meeting in relation to Article VI, Section 4 concerning state boards of education.

Gov. Taft then asked about the current status of the life of the Commission, and Mr. Hollon stated that under current legislation it will terminate January 1, 2018. Rep. Cupp asked, regarding the planning worksheet, where the committee is at the current time. Mr. Hollon said the committee has been dealing with Article VI, Sections 1 and 2, for which reports and recommendations have been drafted. He said Article VI, Sections 3 and 4, will be next, with the goal set by Chair Readler to complete the rest of Article VI before taking on some of the other issues. Mr. Hollon said that as the committee goes through the meetings, the staff will update the list so the committee can have a visual representation of where it stands.

Mr. Steinglass commented that early on in the life of the Commission, the committee had presentations on other articles, including Article XVIII. He said staff may want to recirculate the material to members who were not on the committee at the time. Gov. Taft said this is a good suggestion.

Committee member Representative Michael Curtin brought up an exchange between Gov. Taft and committee member Paula Brooks, on early childhood education, which is referenced in the minutes for the May 14, 2015 meeting on page five. He wondered where this issue stands. Gov. Taft said they left it where Ms. Brooks might consider possible changes or amendments and that they would consider proposed language. He said she has not yet submitted any language, and he does not know whether she intends to. Mr. Hollon confirmed that we were going to discuss the

issue again today with a quorum, to see if the committee had reconsidered from their previous vote to keep Article VI, Section 2 as it is. Gov. Taft said he himself strongly supports early childhood education, but that the General Assembly has the ability to pass laws providing for that. He said it is not a question about whether the state has the authority to do so. He said he is not sure what amendment might be appropriate from that standpoint.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 11:35 a.m.

**Approval:**

The minutes of the July 9, 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*

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Chad A. Readler, Chair

*/s/ Edward L. Gilbert*

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Edward L. Gilbert, Vice-chair