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OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

EDUCATION, PUBLIC INSTITUTIONS, & MISCELLANEOUS AND LOCAL GOVERNMENT COMMITTEE
CHAD A. READLER, CHAIR
THURSDAY, APRIL 10, 2014

Chairman Readler called meeting of the Ohio Constitutional Modernization Subcommittee on Education, Public Institutions, and Miscellaneous & Local Government to order at 9:18 am and asked the clerk to call the roll. A quorum was present.

The Chair then asked the committee to approve both the December and March minutes. Both were approved with a motion and a second.

The Chairman announced that no speakers would be present at the meeting but that there were two documents to discuss. Document D was redistributed to the committee for reference which was initially given at the December meeting. The chair then presented the document that he had prepared which laid out the three sections of the constitution that the committee would consider amending. The document then provided a preliminary proposal prepared by Chairman Readler for the committee to go through.

The Chairman briefly reviewed the document he had provided for the committee the current sections that he detailed are sections 6.01., 6.02, and 6.03. In his proposal of changes he felt that 6.01 could be removed entirely and there were duplications and inconsistencies within the sections that he addressed in his proposal. He also added a provision about discrimination that the committee had previously discussed.

Vice Chair Gilbert mentioned that in regards to the discrimination provision, that age, disability, and sexual orientation should also be included.

Chair Readler responded by noting that he borrowed the non-discrimination language from the Michigan constitution and Title 7 that the committee had previously looked over. He agreed that disability should be added but that he felt age was already included in statute in the section that determines what age children may attend public school. In regards to sexual orientation he recognized that it was a topic on the minds of many policy makers and that this is an evolving issue that would require some discussion.

Vice Chair Gilbert suggested that we add his ideas to the initial language so that the topics can be debated thoroughly. He also raised the issue of property taxes being tied to public education funding and would like to see that portion removed.

Commissioner Brooks responded to the Chair's proposal and was not sure why he would want to eliminate section 6.01 and wanted to know if there was somewhere else that would fulfill the "disposition of lands" statement.

The Chairman noted was that his intention for the new proposal was to make it clear that the state would use state money to fund public education.

Commissioner Brooks pointed out that the language in 6.01 currently is directory language and that she did not feel that the Chair's new language mandated that the use of public funds and tax dollars to be expended for the school system.

Chairman Readler suggested that we could add the words "by taxation or otherwise" and the commissioner commented that this was important that the recommendations are clear that tax dollars and that the school systems will not rely solely on "public funds".

Governor Taft commended the Chair's efforts and that he noticed the emphasis on public school system of the state and would like to suggest that the committee look into whether that would include funding for scholarships, vouchers, and EdChoice programs and is concerned by any language that would preclude this. He made the point that it is a significant policy issue to allow local cities to appoint school board officials. Cities across the country have gone to mayoral appointment of school board members. He feels that this is an option we may want to preserve for Ohio in the future. He referenced Cleveland City Schools as his example.

The Chairman noted that he believed that Cleveland voters passed a referendum to authorize the city to appoint those members.

Commissioner Brooks commented that it may become appropriate then to look at different school boundaries in general. She noted that Maryland has a very good system of county wide schools and at least look at the way the districts are formed.

Dr. Macon noted that the proposal eliminated the phrase "prescribed by law" and that the committee should insert a statement to guarantee equity.

Chair Readler suggested that Professor Charlie Wilson should come speak with the committee again. He also noted that he believes the General Assembly should have the power to adapt the public school system as needed and that we do not want to create a situation where the language can be debated by the courts.

Dr. Macon asked if the Chair was suggesting that the committee should not introduce and address the idea of equitability.

The Chairman replies by noting that the discrimination piece was added to the language and that the challenge with inserting equitability language is that we have to clarify what kind of guidance to use.

Dr. Macon suggested that once the committee hears from experts that we could make that a consideration in the document.

Senator Coley added that he liked the suggested language and agreed with the Chair that we should leave it up to elected officials to decide what is equitable. He was concerned about the last sentence of 6.01 that it would not allow vouchers to be used for high performing religious schools. He added that he wants to make sure that we don't prescribe things in the constitution that will limit the use of technology and anticipate future changes in the classroom. We need to make sure there is flexibility in how we fund schools.

Commissioner Brooks was particularly struck by the elimination of the phrase "thorough and efficient." She was concerned about the educational level of workers and pointed out that International companies are hesitant to invest more in the United States. She feels that we must work closely with the business community and our schools. She commented that public education is the great equalizer in our society and we need to carefully craft this language.

The Vice Chairman pointed out that he didn't think anyone would disagree with thorough and efficient and equitable education. The hard part is finding the definition of that and wondered why there is not a definition section and added that we can use that language if we identify what we really mean by it. In the Michigan and also the Ohio constitution we don't really have a definition section to detail what is really meant by the language. In 6.02 the use of the word "city" is there a reason why we use that instead of the word jurisdiction?

Governor Taft pointed out that there are a number of school districts that do not include any cities.

Commissioner Brooks responded that there is only one city where city boundaries and school boundaries match up in Franklin County.

The Vice Chairman said that as he was looking over the minutes, he felt that the committee needed some expert advice and agreed that it would be great if we could get Charlie Wilson to take a look at some of these issues. He said that he feels challenged to do this on our own and would suggest we take advantage of the expertise of those who have extensive experience in this field.

Senator Coley commented that any expert that you solicit, you have to give them parameters. He asked if the committee is comfortable saying that these decisions are up to the legislature and the elected officials to decide. He said that we need to discuss this because he does not want the courts to step in unless "these" conditions are violated. He feels that the point of this is to rewrite these sections of the constitution so it is clear that the courts cannot step in unless certain conditions are not met.

Dr. Macon asked what the General Assembly has done in terms of funding. He added that the Supreme Court has determined many times that the way we fund schools is not constitutional.

Senator Coley responded and said that the General Assembly has done that and that we should not leave ambiguity there and then have the courts left to decide. More money will always be the answer. Let's put our cards on the table and say here is what we think is the right thing and here is where the courts need to step in.

Commissioner Brooks said she was still struggling with quality and noted that it is the return on investment that the public expects.

The Chairman said that the product specification should come from General Assembly and that this is a critical threshold issue to discuss. The details should be left to the GA and Governor as opposed to the court rooms and other places.

Vice Chair Gilbert asked if the funding for local schools included other money besides property taxes. He added that in his community he sees these property tax issues all the time and that this seems to be an inefficient and inappropriate way to fund schools.

Chair Readler commented that the question for the committee is what the constitution should say.

Pierrette Talley was struck by Commissioner Brook's concerns around quality and how to measure what the outcome look likes. She said she hears the committee saying it would be best prescribed to the GA. Ms. Talley is concerned that our education system would change every time we have new elected officials or a new government and would argue that it shouldn't. She suggested that we should have some kind of language about how we are going to have something that is measurable.

Dr. Macon responded that in light of the discussion he hopes that at some point that the committee can understand our own internal process and stages that we have to go through to move whatever recommendation that we are trying to make. At some point prior to moving forward we need to discuss the stages that we need to go through.

Chairman Readley reminded the committee that the process is that the committee makes recommendations and eventually there will be a vote by the full commission, then to the legislature and then to the ballot.

Governor Taft also said that we need to keep in mind that the words "throughout the state" are included. He volunteered to find some expert or authority on the governance of the school board.

Commissioner Brooks note that the major goal here is to make sure that Ohio has a competitive workforce. We have to hear from private sector workforce people.

Dr. Macon proposed that we give a list to Mr. Wilson to specifically talk about certain areas. He then commented on the issue of early education, in terms of detailing age. He would like to see some suggested language on that area because we had decided that we were going to focus on early education as a committee.

The Chairman called for other discussion points, and reminded everyone to please let the Chairs know if there is someone they would like to bring in for a presentation. The Chair called the adjournment at 10:26am.



Chad Readler, Chair



Edward Gilbert, Vice Chair