



# Ohio Federation of Teachers AFT, AFL-CIO

*A Union of Professionals*

1251 E. Broad Street  
Columbus, OH 43205

**Testimony before the Ohio Constitutional Modernization Commission  
Regarding Ohio's Thorough and Efficient Clause for Public Education  
Presented By Darold Johnson, Legislative Director  
for the Ohio Federation of Teachers  
March 12, 2015**

Chair Readler, Vice Chair Gilbert and members of the Education, Public Institutions and Local Government Committee of the Ohio Constitutional Moderation Commission, thank you for this opportunity to speak before you today.

The Ohio Federation of Teachers represents 20,000 members who are teachers, paraprofessionals and nurses in Ohio's public schools, higher education faculty, and public employees who provide vital services to families and communities across our state. OFT has had the opportunity to work with most of the members of this committee in some fashion previously and we welcome the opportunity to speak with you today.

After attending many of OCMC's previous meetings we felt compelled to express our support for the current language contained in the Ohio Constitution in sections 6.01 Funds for religious and educational purpose, 6.02 School funds, and 6.03 public school system, boards of education.

Our rationale is simple. The Constitution is a living document in the sense that it is subject to legal rulings. The case law in Ohio and other states is established when it comes to "thorough and efficient" school funding. The Ohio Supreme Court used Article VI section 6.02 in its rulings on ***DeRolph v. State I, II, III and IV***.

**In DeRolph I**, the Supreme Court upheld findings of the original trial. In his decision, Judge Lewis ruled that a Constitutionally acceptable system of school funding must provide:

1. Sufficient oral and written communication skills to function socially and economically in Ohio and globally;
2. Sufficient mathematic and scientific skills to function as a contributing citizen to the economy of Ohio and globally;
3. Sufficient knowledge of economic, social and political systems, generally, and of the history, policies, and social structure of Ohio and the nation and enable the student to make informed decisions;

4. Sufficient understanding of governmental processes and of basic civic institutions to enable the student to understand and contribute to the issues that affect his or her community, state, and nation;
5. Sufficient self-knowledge and knowledge of principles of health and mental hygiene to enable the student to monitor and contribute to his or her own physical and mental well-being;
6. Sufficient understanding of the arts to enable each student to appreciate his or her cultural heritage and the cultural heritages of others;
7. Sufficient training, or preparation for advanced training, in academic or vocational skills, and sufficient guidance, to enable each child to choose and pursue life intelligently;
8. Sufficient levels of academic or vocational skills to enable public school students to compete favorably with their counterparts in Ohio, in surrounding states, across the nation, and throughout the world, in academics or in the job market;
9. Sufficient support and guidance so that every student feels a sense of self-worth and ability to achieve, and so that every student is encouraged to live up to his or her full potential;
10. Sufficient facilities, equipment, supplies and instruction to enable both female and male students to compete equally within their own schools as well as schools across the State of Ohio and worldwide in both academic and extracurricular activities;
11. Sufficient monitoring by the General Assembly to assure that this State's common schools are being operated without there being mismanagement, waste or misuse of funds; and
12. Sufficient facilities for each school district across the State that are adequate for instruction, safe, sanitary and conducive to providing a proper education as outlined by the above-related criteria. (Judge Linton D. Lewis, Jr., New Lexington, Ohio July 1, 1994)

These criteria provide the necessary benchmark for future consideration.

Additional research of other states with the same language as Ohio shows similar situations. "Thorough and efficient" was strong enough to rule New Jersey's school funding plan unconstitutional in the *Abbott v. Burke*, and *Robinson v. Cahill* Supreme Court decisions. (Peter J. Mazzei, *Rutgers Law Journal*, vol. 38:1087)

Mazzei's article details the discussion held during the 1873-1875 Constitutional Review Committee discussions, which led to the "thorough and efficient" clause in the New Jersey Constitution. This discussion and various amendments mirror some of the concerns expressed by members of this committee in that they reflected the times and the desire to have high quality schools no matter where you lived in the state.

OFT would recommend that the language for these sections remain as they are in the Ohio Constitution. Thank you for your time and attention. I would welcome any questions.