



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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

FOR THE MEETING HELD
THURSDAY, NOVEMBER 14, 2013

Call to Order:

Vice-chair Ed Gilbert called the meeting of the Education, Public Institutions, and Local Government Committee to order at 11:11 a.m.

Members Present:

A quorum was present with Vice-chair Gilbert and committee members Beckett, Brooks, Clyde, Coley, Macon, Sykes, and Taft in attendance.

Approval of Minutes:

The minutes of the September 12, 2013 meeting were reviewed and approved.

Presentation and Discussion:

Vice-chair Gilbert called on Charles E. Wilson, professor emeritus of law at The Ohio State University Moritz College of Law, to present to the committee on education.

Committee member Larry Macon asked Prof. Wilson to share his opinion on Ohio's education system. Prof. Wilson led discussion and provided historical background on the Supreme Court Case of *DeRolph v. State of Ohio*, a landmark case in Ohio constitutional law that deemed the state's public education funding approach "failed to provide for a thorough and efficient system of common schools."

Mr. Macon asked whether language within the Ohio Constitution should define the roles of courts when dealing with matters of education. Senator Bill Coley contended that without maintaining the separation of powers, the courts could rule roughly similar to judicial monarchy. Prof. Wilson stated a form of judicial review would be a beneficial compromise.

Prof. Wilson added, with regard to the current language, the constitutional review of the education system could benefit from a closer examination of the definition of “efficiency.” Prof. Wilson furthered explained that, in most states, inequities deem a system inefficient.

Governor Bob Taft remarked that the term “inefficient” may convey wasteful. Prof. Wilson provided historical background of a study Samuel Lewis, Ohio’s first Superintendent of Common Schools, conducted while visiting every county public school system within the state. He said the General Assembly tasked Mr. Lewis with establishing standards that public school systems and its teachers needed to meet to ensure that students received a quality education.

Prof. Wilson expounded that the term “common school” is defined by the following guidelines:

- Public provision for the cost of schools;
- No selectivity for attendance;
- Separation of church and state;
- Local control- community controls schools without state or federal intervention;
- Open and forgiving- expulsion of student is difficult to execute; and
- Gender neutrality.

Vice-chair Gilbert asked Prof. Wilson to discuss law and policies of early childhood education. Prof. Wilson stated that Florida’s State Constitution says that every four-year old is entitled to a free, high-quality preschool education. Vice-chair Gilbert asked why four years of age defines preschool, and whether there is statistical evidence to offer support. Prof. Wilson surmised a cost association and the cognitive development of four-year olds bear reasoning. Representative Vernon Sykes agreed with Prof. Wilson that there are cost factors in determinations regarding early childhood. Committee member Paula Brooks asserted a return on investment with regard to early childhood is an advantageous outcome. In agreement with Ms. Brooks, Prof. Wilson stated that states that have chosen to invest in early childhood education reaped significant expenditure savings, noting as an example a savings in imprisonment expenditures.

Prof. Wilson asserted that changes in our society warrant changes to our education system. He asserted that, if given leeway, the General Assembly can determine a thorough and efficient public education system and in turn would not need to use the constitution to delve into the matter; but it is society that demands intervention. Gov. Taft stated the committee should devise language that mirrors Florida’s constitution concerning early childhood education in addition rewriting the thorough and efficient clause within the Ohio Constitution. Complementing Gov. Taft’s assertion, Prof. Wilson added that the language should reflect set parameters of a fundamental right to a thorough and efficient education. Gov. Taft noted the language should also use “and/or” language to indicate a high-quality education.

Prof. Wilson stated that there is high correlation between educational resources and the quality of education, asserting that one may measure the quality of education based on the input of educational resources invested in the children that, in turn, lends focus to improving programming. Vice-chair Gilbert inquired whether Ohio should do away with standardized testing. Prof. Wilson stated assessments provide narratives of student progression but added that high-stakes testing and other forms of measurement do diminish an interest in schooling. He

said, “ultimately it is our society that drives and encourages lifelong learning and not the utilization of standardized testing.” Prof. Wilson further explained that the Ohio Supreme Court has given the General Assembly leeway and flexibility to experiment by way of vouchers and charters. Prof. Wilson noted the disparity in funding and lack of equity warrants investigation and justifies the connection between family wealth to testing scores and how the availability of educational resources are interconnected.

Vice-chair Gilbert thanked Prof. Wilson for his presentation and engagement in meaningful discussion before the committee. Mr. Macon added that the committee should invite Prof. Wilson to engage in discussion with regards to educational equity in the future.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 1:03 p.m.

Approval:

The minutes of the November 14, 2013 meeting of the Education, Public Institutions, and Local Government Committee were approved at the December 12, 2013 meeting of the committee.

/s/ Chad A. Readler

Chad A. Readler, Chair

Edward L. Gilbert

Edward L. Gilbert, Vice-chair