



Comments to the Education, Public Institutions, and Local Government Committee
Regarding Ohio Constitution Article VII Section 1
January 12, 2017

Chairman Readler, Vice Chair Gilbert and distinguished members of the Education, Public Institutions, and Local Government Committee...my name is Marjory Pizzuti. I am the President & CEO of Goodwill Columbus and a member of the Ohio Association of Goodwill Industries (OAGI). Today, I am representing our association and appreciate the opportunity to provide comments on potential revisions to Article VII Section 1 of the Ohio Constitution.

By way of background, OAGI consists of 16 autonomous Goodwill organizations, which provide employment and family strengthening services to individuals with disabilities and other barriers, including job development, career navigation, employment training and credentialing throughout Ohio's 88 Counties. Last year, OAGI members served more than 77,000 individuals, 85% of whom had a disadvantaging condition such as long-term unemployment, incarceration, low educational attainment and physical or intellectual disabilities. Collectively, our 16 members generate \$256 million in revenue and more than \$14 million in state tax contributions.

Goodwills throughout Ohio are partners and providers of services through many state agencies including Opportunities for Ohioans with Disabilities, Ohio Department of Aging, Ohio Department of Jobs and Family Services, Ohio Department of Developmental Disabilities, Ohio Department of Rehabilitation and Corrections and Ohio Department of Mental Health and Addiction Services.

The international Goodwill movement was founded in 1902 by Rev. Edgar J. Helms in Boston, an entrepreneurial Methodist minister and early social innovator. Helms collected used household goods and clothing in wealthier areas of the city, then trained and hired recently settled immigrants to mend and repair the used goods. The items were then resold or given to the new Americans, who repaired them. The system worked, and the Goodwill social enterprise philosophy of "a hand up, not just a hand out" was born, providing independence and economic self-sufficiency with appropriate training, skill building and support.

Both nationally and in Ohio, there is an ongoing commitment to provide support to individuals with disabilities, as we continue on a pathway to assure that all citizens in our state can be full and active participants in the community.



As you have heard in today's testimony and the statements presented at previous Committee hearings, this commitment to community based integration may be fundamentally at odds with the intent reflected in Article VII Section 1 of the Ohio Constitution that states: "Institutions for the benefit of the insane, blind, and deaf and dumb, shall always be fostered and supported by the state; and be subject to such regulations as may be prescribed by the General Assembly."

My comments today focus on three areas. First, the implications of the wording used to describe the population that this section is referencing; second, the appropriateness of continuing to include that provision in Article VII Section 1 of the Ohio Constitution, given the historical focus on institutions serving those individuals and, third, the fundamental question of whether any reference to a specific population should be included anywhere in the Ohio Constitution.

Implications of the Language

Clearly, there is consensus by this committee and broader stakeholders that the terminology used in Article VII Section 1 to describe individuals with mental illness, physical disabilities and intellectual disabilities is not only offensive but inappropriate based on our current understanding of mental illness and disabilities. While we can appreciate that this verbiage was relevant at the time of adoption, there is no place for this language in current or future revisions of the Ohio Constitution.

That said, an attempt to revise the terminology is difficult and cumbersome, at best, and ultimately would not serve the intended purpose, as our understanding of human development improves and our society's perceptions and acceptance of individuals with disabilities continue to evolve. Additionally, given the dramatic changes in the state's delivery of programs and services to individuals with disabilities, contemplating any language that could endure the test of time, would be futile.

The Appropriateness of including any revised language in Article VII, Section 1 of the Ohio Constitution

As we have heard in today's testimony and presentations during previous Committee hearings, the clear and decisive movement toward community integration is the direction in which Ohio and the Federal government is headed. That is reflected in downsizing of our state's developmental centers and ICFs, the increase in competitive integrated employment, as well as in the transition of Habilitation Day Programs into community based settings. This is an intentional and widely acknowledged paradigm shift for the full integration of individuals with physical and intellectual disabilities into our communities.



Clearly, the initial intentions of those original scribes of the Ohio Constitution were admirable, as they believed that state institutions were needed in order to protect and serve individuals with disabilities. While our statewide association understands and appreciates the desire to retain that “spirit” of protection, we believe Article VII, Section 1 may not be the appropriate place in the Ohio Constitution to make this commitment, as this section refers to state *institutions* as the mechanism to support individuals with physical and intellectual disabilities.

Today, there are many defined governmental agencies that provide community based support including the Ohio Department of Developmental Disabilities, Ohio Department of Health and Opportunities for Ohioans with Disabilities and additional protections through U.S. Supreme Court decisions such as Olmstead, as well as additional regulatory provisions through the Centers for Medicaid and Medicare that provide financial support, that assists transition of individuals with intellectual disabilities to full community integration.

Eliminate or Keep Article VII Section 1

Finally, there is the more fundamental question of whether there is a rationale to have any reference in the Ohio Constitution to foster and support individuals with disabilities, and, if so, where in the Ohio Constitution is that placement most appropriate. Perhaps such a “general welfare” statement would be better incorporated in the Bill of Rights or the Preamble? Article VII Section 1 provides an important voice for individuals with disabilities, although the notion of institutionalization and the language used in Article VII, Section 1 is obsolete.

We encourage this committee to work toward balancing modernization of language that is no longer relevant with reaffirming the “spirit” of the original intent of ensuring that the State of Ohio will provide assistance, which “fosters and supports” opportunities for individuals with disabilities to make self-determined choices and live fully in their communities.

Thank you for your consideration.

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