

**Testimony of Stephen Dyer
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Chairman Readler, Vice Chair Gilbert and members of the Constitutional Modernization Commission's Education, Public Institution & Miscellaneous and Local Government Committee. It is a privilege to address this committee and commission as it considers its important charge.

I am the Education Policy Fellow at Innovation Ohio, where I have spent the last three years looking at education finance and policy primarily in Ohio, as well as around the country. Prior to that, I served the people of Summit and Portage counties as a former chairman of the Primary and Secondary Education Subcommittee of the House Finance and Appropriations Committee. Prior to that I covered Ohio's struggles with education finance for about a decade as a reporter with the Akron Beacon Journal.

I tell you my background to let you know that I have been knee deep in education finance and policy issues for three decades. And I can say without hesitation that eliminating the "thorough and efficient" clause of the Ohio Constitution and replacing it with what has been proposed is the single greatest threat to public education I have seen in my time working on this stuff. Let me explain why I say this.

It's Not American

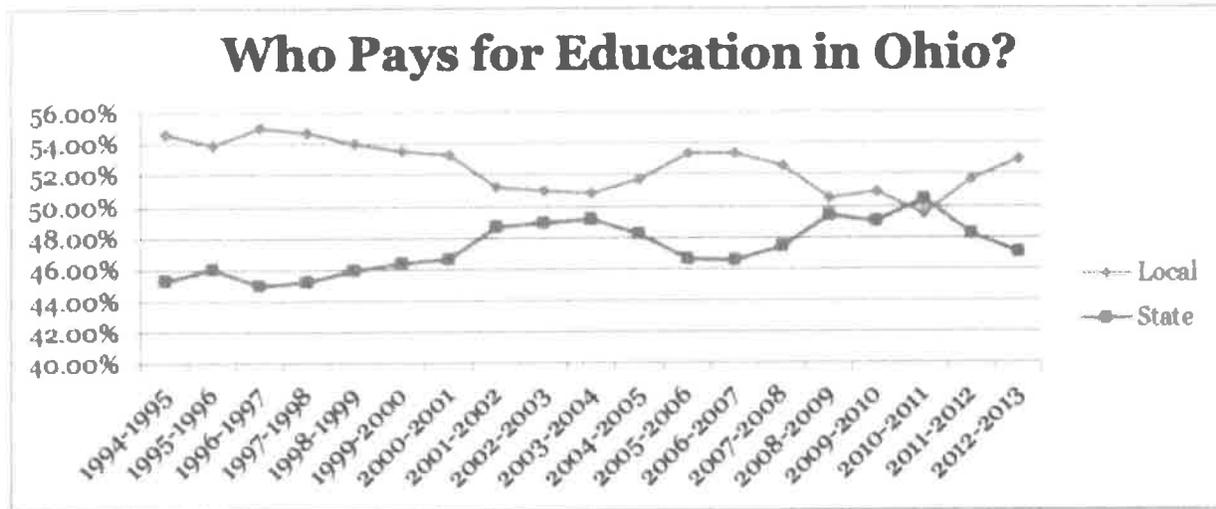
The Land Ordinance of 1785, which was passed by the Articles of Confederation – the ultimate states' rights governing structure – set aside the heart of every community for "public education." I put that in quotes because those were Thomas Jefferson's words, for he primarily wrote the Land Ordinance. The idea that wealthy land owners, educated in private institutions, would create a country centered on the idea that every citizen has the right to the same education afforded to the privileged is *the* American Revolution, in my view.

Others will testify today about the history of "thorough and efficient" in this and other states, so I won't go into that. But I wanted everyone to know that the Founders, even before they wrote the Constitution, wrote that every American should be able to receive "public education." Period. Alexis de Tocqueville called this American commitment to public education "the originality of American civilization."ⁱ

Accountability

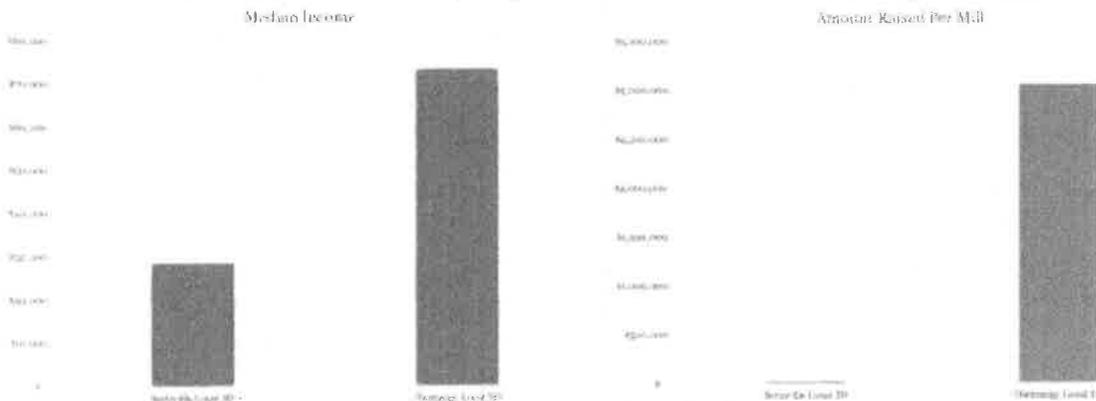
The history of education funding in Ohio since 1994 has demonstrated two things emphatically: The only times the state has come close to providing its fair share of funding for education came when the Ohio Supreme Court had the *DeRolph* case and

when there was divided government between 2007-2010. Here's the graphic to prove it, using Ohio Department of Education data:



The Supreme Court first ruled in *DeRolph* in 1997. And you see a narrowing of the gap between state and local revenue. Then the court dropped the case in December 2002. After that, you can see a growing widening. Then Gov. Ted Strickland was elected in 2006, with a Democratic House coming into power in 2009. What you see is that the last year of Gov. Strickland's last budget – the one that contained the national award winning Evidence Based Model and other reforms that I helped shape in the House – was the first time on record that more state than local money went into public education. The two most recent, one-party budgets have included historic cuts to state payments, and we've seen a huge, corresponding increase in local tax money passed by voters to fill the gap. So it shouldn't surprise anyone to see that we are now at near-Pre-*DeRolph* levels of state-local share now.

Why does this matter? Because you have districts in Ohio that are incredibly disparate.



As you can see, Bettsville Local and Olentangy Local are incredibly different. And why must the state provide a greater share of the education dollar? Because if you cut \$1 million in funding to Bettsville, they need to raise about 50 mills in local property tax to make up the difference. Meanwhile, if you cut \$1 million in Olentangy, you have to raise about .3 mills to make up the difference. So folks in Bettsville, who make 1/3 less money have to tax themselves at about a 167 times higher rate to provide the same funding as Olentangy. That is unfair and explains why Justice Alice Robie Resnick described Ohio's school funding issues this way:

“. . . until a complete systematic overhaul of the [Ohio school funding] system is accomplished, it will continue to be far from thorough and efficient and will continue to shortchange our students. The overreliance on local property taxes is the fatal flaw that until rectified will stand in the way of constitutional compliance.”¹

The only hope kids who live in districts like Bettsville and others have is holding the state to some sort of standard to ensure that Jefferson's dream can be realized by all, not just people like Jefferson.

Improving Thorough and Efficient

If you are going to replace “thorough and efficient”, replace it with something that *strengthens* Ohio's commitment to Jefferson's dream, not something that all but ends it. If you want to eliminate that language, which is contained in the constitutions of Colorado, Idaho, Illinois, Kansas (yes, THAT Kansas), Maryland, Minnesota, New Jersey, Pennsylvania, Texas, and West Virginia – not exactly a list of liberal hangouts – replace it with something stronger.ⁱⁱ

How about Florida's, whose tax and other structures are so revered by so many in this state?

“The education of children is a fundamental value of the people of the State of Florida. It is, therefore, a paramount duty of the state to make adequate provision for the education of all children residing within its borders. Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools that allows students to obtain a high quality education and for the establishment, maintenance, and operation of institutions of higher learning and other public education programs that the needs of the people may require.”

¹ *DeRolph v. State*, 97 Ohio St.3d 434, 2002-Ohio-6750.

Florida also passed recent changes that cap class sizes and ensure early childhood education for all kids. So that provision would be stronger than “thorough and efficient.”

How about Montana, again not exactly a place known for its liberal agenda?

“It is the goal of the people to establish a system of education which will develop the full educational potential of each person. Equality of educational opportunity is guaranteed to each person of the state...The legislature shall provide a basic system of free quality public elementary and secondary schools....It shall fund and distribute in an equitable manner to the school districts the state’s share of the cost of the basic elementary and secondary school system.”

I could go on, but the point is this: “thorough and efficient” is a very common phrasing of state constitutional support for public education, and there are even *better* ways of espousing the state’s foundational support for education.

Here’s my suggestion:

Education being the foundation for our economy, all Ohio residents shall have the fundamental right to a World-Class education, regardless of where they live in the state. It is the state legislature’s responsibility to primarily fund this World-Class system of public, common schools, which shall consist at least of pre-school and grades Kindergarten through Grade 16 (or equivalent vocational training). And it shall be guaranteed to every state resident eligible for each grade.

Imagine being the first state in the country to make it a fundamental right for every child to receive a free pre-school through Bachelor’s Degree education. Imagine the exodus to this state. Imagine the intellectual capital you would bring within our borders, the jobs, the innovation. You have the unique opportunity to do something great with this commission.

So do it.

ⁱ De Tocqueville, A. 1835. *Democracy in America*. Literary Classics of the United States Inc., New York, New York. (2004 ed.) Page 46.

ⁱⁱ Hunter, Molly L. *State Constitution Education Clause Language*. Rep. Pennsylvania Bar Association Constitutional Review Commission, Jan. 2011. Web. 10 June 2014. <<http://pabarcr.org/pdf/Molly%20Hunter%20Article.pdf>>.