



OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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

FOR THE MEETING HELD
THURSDAY, JANUARY 15, 2015

Call to Order:

Chairman Readler called the meeting of the Education, Public Institutions, and Local Government Committee to order at 11:10 a.m.

Members Present:

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

Approval of Minutes:

The minutes of the November 13, 2014 meeting of the committee were approved.

Presentations:

Stephanie Morales
Member, Board of Education
Cleveland Municipal School District

Stephanie Morales, a member of the Board of Education of the Cleveland Municipal School District, presented to the committee on the subject of Article VI, Section 2 (Thorough and Efficient clause) and how it is applied in her community. She is a human resources business partner at Nationwide Insurance, and is the parent of students in the school district.

Ms. Morales indicated that Cleveland MSD is a poor school district, having many transient families, and many students who do not speak English as a first language. Funding for local school districts from the state is critical to this district. State money, including matching funds, awarded to the school district allows the district to function and to maintain its facilities. Ms. Morales urged the committee to take no action that would weaken the state's contribution to education throughout the state. Her district has the only unelected board of education in the state of Ohio; members are appointed by the mayor rather than being elected by the voters. The

organizational structure has worked well in Cleveland for 17 years because the local community was involved in determining the structure of the board of education.

Committee member Brooks asked whether Ms. Morales believes revision of the “thorough and efficient” clause is needed. Although Ms. Morales suggested the language could be strengthened and made more specific, Ms. Brooks wonders if she could specifically suggest ways to revise that language. Ms. Brooks also wondered if Ms. Morales could explain how the structure of the school administration in Cleveland has worked well, specifically the elements that have contributed to its success.

Ms. Morales stated that there is a synergy between the mayor, the superintendent, and the board which works well. She said “Our governing structure creates that synergy. This is why we were able to pass the Cleveland plan. It was unprecedented, and all feel they have a vested interest in what is happening.”

Committee co-chair Gilbert asked whether Ms. Morales feels the State of Ohio is treating her district fairly as compared to other districts. Ms. Morales said that she chose to live in Cleveland and send her kids to Cleveland schools. By contrast, she said, most of the 30,000 students in her district have no choice. She knows parents in affluent neighborhoods, and funding levels seem higher in those communities.

Mr. Gilbert wondered if Ms. Morales is speaking for the Hispanic community. Ms. Morales said one high school predominantly serves the Hispanic community. She said that school is struggling; they have increased the graduation rate within that group but more support is needed.

Committee member Sen. Coley noted that the amount spent per pupil in Cleveland was more than in Beachwood, yet Beachwood has local money. Ms. Morales said she believes people should be able to choose where they live and how they fund their schools, but this is comparing apples to oranges. The challenges are different in these communities. In Cleveland there are many homeless, disabled, or transient students. There are many issues in the Cleveland district that suburban districts don’t have.

Sen. Coley asked Ms. Morales if she would like to prohibit richer districts from spending more on their students in order to get parity. He said the state currently spends 12 billion dollars on K-12 education, then asked, if she does not like that number, whether there is a number that would be enough. Ms. Morales declined to respond.

Committee member Macon asked if schools in Cleveland are receiving “equal” education, asking Ms. Morales to define “equal.” Ms. Morales said there are pockets in the district that have nurtured a process that works, but the district still has a long way to go with some of the schools. She said, speaking as a parent, she can see the gaps in the basic fundamentals of what it takes to teach a child.

Mr. Macon asked whether if the term “thorough and efficient” was removed it would be enough to fill the gap that she sees in these schools. Ms. Morales said she would like a chance to ensure a complete understanding of what that means. Mr. Macon asked whether adding “equitable” or

“equal” would add meaning and Ms. Morales agreed that it would. Mr. Macon then asked whether it would be enough to add the words “without discrimination.” Ms. Morales said she prefers “equitable.”

Committee member Taft asked if Ms. Morales feels an elective system discourages service on a school board, noting that mounting a campaign to run for office is a lot of expense and work. Is the appointive system better? Ms. Morales said yes, and described a two-step process by which the district advertises openings and works with groups to be sure those expressing interest have a true interest, as well as useful experience. A committee then reviews the applicants and decides which applications go forward for an interview with the mayor. This helps insure different areas of expertise are represented, she said.

Mr. Taft asked whether this method for selecting boards is permanent. Ms. Morales deferred to Kevin Burtzlaff, Counsel for Cleveland Municipal School District Board of Education, who answered yes.

Committee member Clyde said she is struggling with this because there are not a lot of written proposals for change that the committee has considered. Rep. Clyde asked whether, from her perspective as a school board member, Ms. Morales could recommend the type of process for amending the “thorough and efficient” clause to provide a more equitable education that she and her board members would have trust in. Rep. Clyde asked whether this would be a proposal written by a legislator, or something where the Commission could meet with boards around the state or work with education associations for proposals. Ms. Morales answered that there is a school board association, and that her preference would be for the Commission to reach out to the school board association because that group communicates with all to get feedback to give to the Commission.

Chair Readler said one of his concerns is that the constitution has to allow flexibility for changing times. He wondered what changes Ms. Morales has seen. Ms. Morales indicated that the district has allowed the board more autonomy in the selection and retention of teachers, allowing the board to remove teachers if they are not achieving. The board also has been able to identify schools where the students need more help, and then to work with nonprofit organizations to get help with tutoring, providing after school services and meeting other needs. She also said the board has the authority to work with the individual schools to decide which teachers they want in their building, rather than those decisions being made elsewhere.

Chair Readler asked whether, if the committee adds the word “equal,” if this would mean that every district has to follow Cleveland’s model.

Mr. Taft remarked that the system in Cleveland was established by statute. He wondered why, if this is a good system, it wasn’t originally done by voters in Cleveland, and why, if a statute can make this happen, would we need to change the constitution. He asked whether the legislature can do what they did in Cleveland and in other cities without it being challenged for its constitutionality.

Attorney Burtzlaff answered that when legislation organizing the school district passed in 1997, it provided that in 2002 there would be a referendum, giving voters the chance to decide whether to keep it. He indicated there was a constitutional challenge to this in federal court in the case of *Mixon v. Ohio*, in which the Sixth Circuit Court of Appeals decided there was no fundamental right to elect an administrative body. He also mentioned there was a related state court case regarding Article VI, Section 3 (without providing a citation) which found there is nothing specific about board members needing to be elected. The law was upheld by the referendum in which 72 percent voted to keep this appointed board. The district is under state control, and under federal court order. Under the current constitution the legislature could do this for another city if desired.

Sen. Sawyer asked whether the board has the tools to attract a teacher workforce of quality and diversity to keep pace with the changing demographics of the school district. Ms. Morales said that, prior to the Cleveland plan, her answer would have been no, but at just this past meeting the board received a presentation outlining talent-recruiting tools, plans, and materials allowing them to attract top candidates. She said there is also a support system where principals can identify additional development needs for teachers in order to help them reach needed achievement levels.

Dr. Renee A. Middleton
Dean, Patton College of Education and Human Services
Ohio University

The committee then heard a presentation by Renee A. Middleton, Dean of Education at Ohio University regarding Article VI, Section 2 (Thorough and Efficient clause). Dean Middleton said Ohio has been a forerunner in requiring a “thorough and efficient” system of schools. She said the public school system must be retained at all costs. She said Ohioans hold themselves accountable; all children have a right to a “thorough and efficient” system of education regardless of his or her circumstances. She emphasized that this needs to be done without the old reliance on property taxes, and that the state should ensure educational opportunities for all.

Sen. Coley noted there have been many changes in the classroom in the last 10 years, asking what has changed in the way information is brought to the students. Dean Middleton said in today’s classrooms there is a greater focus on new learning standards, helping young learners think critically and solve problems. Teachers are using the best tools to guide children. The technologies found in affluent areas would be nice, but the teachers are still able to teach with modern techniques even in low income areas. Some counties have fewer opportunities but educators have to educate students as they come. Even the students who are not ready to learn are expected to achieve the same outcome. She said despite under-resourced public education, students are still learning because of the dedication of teachers.

Mr. Macon asked whether it would be acceptable if the constitution simply said “let us not be prejudiced.” Dean Middleton answered that “thorough and efficient” is part of our history. She said there are other documents that prevent discrimination. The legal basis of those words is clear, and the words are there for a purpose. She said that rather than removing “thorough and efficient” we should build on what we mean by these words.

Mr. Macon asked whether we are refining our history by having the words “no discrimination.” Couldn’t we define “thorough and efficient” as “we don’t discriminate”? Isn’t there also discrimination in regard to socio-economic status? Dean Middleton agreed but said she thinks “thorough and efficient” gets at that, and that some discrimination is based on economic disparities.

Ms. Brooks asked whether learning readiness in the context of “thorough and efficient” could mean all children go to kindergarten learning prepared. She suggested that there should be a linkage between local government and wrap-around services through counties so that issues that interfere with a child’s ability to learn could be addressed. She wondered whether Dean Middleton was seeing the complexity of educational difficulties addressed by the requirement of a “thorough and efficient” system of education. Dean Middleton said that the constitution should form the bedrock for what we mean by education for children. The constitution is our conscience about what we value, where we are as a state, and how we invest in the education of all children.

Ms. Brooks asked whether that concept applies to an equal education and early childhood readiness prior to kindergarten. Dean Middleton said she would use the word “equitable,” equating “equitable” with “excellence.” She said we have to be committed to investing in public education with our resources.

Mr. Gilbert asked whether she was saying that “thorough and efficient” equals “fair and equitable.” Dean Middleton agreed. Mr. Gilbert asked whether she felt that should be explained in the constitution, and whether early childhood education should be included in the constitution. Dean Middleton answered that there are things that can go into legislation that don’t necessarily have to be in the constitution. She said there is a role for the General Assembly, without the constitution, about what can be offered for early childhood education.

Rep. Clyde observed that the committee has not had a proposal before it in a formal way for amending the constitution. She wondered what process Dean Middleton would feel confident in if the committee were to consider an amendment. Dean Middleton said she would endorse any process that would include pre-kindergarten through college, and that it would be important for the legislature to have input from stakeholders. She said that former Governor Strickland used the Department of Education to convene stakeholders when he reviewed educational issues during his governorship. She said there should a model where respected members of those groups have a part in the process, and that the process should be bipartisan.

Ms. Brooks asked whether “thorough and efficient” is currently inadequate or whether Dean Middleton would recommend adding something. Dean Middleton said she has no problem adding “equitable” in the language, and that teachers know this better than anyone.

Chair Readler asked whether Dean Middleton feels that Ohioans are thinking of education when voting for public officials, to which Dean Middleton answered yes. She said America is a great experiment and that we are still trying to figure out how to educate children. She said the

constitution is so important because everyone including judges, governors, and legislators have to follow it.

Mr. Gilbert asked if the constitution currently covers higher education, and Dean Middleton deferred to Dean Steven Steinglass, who answered that there is nothing on higher education. With this, the committee thanked Dean Middleton for her presentation.

Committee Discussion:

The committee then discussed what its next action should be. Mr. Gilbert noted that the committee has exhausted this topic. Executive Director Steven Hollon was asked how the committee should proceed under the rules. Mr. Hollon stated that staff needs direction from the committee before proceeding with preparing a report and recommendation. Specifically, he said the staff needs to know whether the committee wants to keep the provision as it is, whether there should be change, and, if so, what change might be wanted. He said once there is consensus in the committee, a draft report and recommendation could be prepared for the committee's review and that the committee might need to go through several drafts.

Mr. Macon stated he hopes the committee could have several versions of the proposals it is looking at, with some alternatives. Chair Readler referred committee members to the materials that were distributed to the committee, noting that there are several proposals. Ms. Brooks noted that there may be additional proposals, including one from the Cleveland Schools' model. Mr. Hollon said he would follow up with Ms. Morales and Mr. Burtzlaff for suggestions.

Mr. Gilbert commented that this will take some time, asking whether the committee could firm up its position on the various proposals at the next meeting.

Sen. Sawyer commented that he has an intense interest in this topic and that he would like to change committee assignments so that he could be on this committee in an official way. He said he will be working through channels on this request but asked whether, in the meantime, he could take part in the debate even though he would not be a voting member of the committee.

Chair Readler invited Sen. Sawyer to participate as he might until that question gets resolved.

Mr. Taft commented that the committee seems to have done a thorough job of exploring this issue, and asked whether at the next meeting people with proposed amendments could introduce them at that time.

Chair Readler agreed that in the next meeting the committee would focus on reviewing the language in the various proposals and taking votes on whether to adopt any of them.

Chair Readler then clarified that the committee would be voting on what language to request for the report and recommendation, rather than to vote on an actual report and recommendation. Mr. Hollon said that would be an informal vote, and that there would be time to adjust and change that. He said the staff only requires some sense from the group as to what direction they are headed.

Adjournment:

With no further business to come before the committee, the meeting adjourned at 12:45 p.m.

Attachments:

- Notice
- Agenda
- Roll call sheet
- Biographical sketch of Stephanie Morales
- Prepared remarks of Stephanie Morales
- Biographical sketch of Dean Renee Middleton
- Prepared remarks of Dean Renee Middleton

Approval:

The minutes of the January 15, 2015 meeting of the Education, Public Institutions, and Local Government Committee were approved at the March 12, 2015 meeting of the committee.

/s/ Chad A. Readler

/s/ Edward L. Gilbert

Chad A. Readler, Chair

Edward L. Gilbert, Vice-Chair