



## OHIO CONSTITUTIONAL MODERNIZATION COMMISSION

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

FOR THE MEETING HELD  
THURSDAY, AUGUST 8, 2013

#### **Call to Order:**

Chair Chad Readler called the meeting of the Education, Public Institutions, and Local Government Committee to order at 10:28 a.m.

#### **Members Present:**

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

#### **Approval of Minutes:**

The minutes of the July 11, 2013 meeting were reviewed and approved.

#### **Presentations and Discussion:**

Chair Readler introduced the committee to the topic of the meeting, education. Chair Readler offered special thanks to Vice-chair Gilbert and Senior Policy Advisor Steven H. Steinglass for organizing and inviting the speakers.

Chair Readler called on Mr. Steinglass, to provide an overview of education and the materials he distributed to the group via email prior to the meeting. Mr. Steinglass said that public education has deep roots in the United States, and was established in the Northwest Ordinance. He provided the committee with electronic copies of excerpts from the recommendations on Article VI by the Ohio Constitutional Revision Commission, an excerpt about Article VI from his book, an article about the *DeRolph v. State* line of cases, and an article on the Ohio Constitution and schools published by the Cleveland State Law Review.

Chair Readler then recognized Paolo DeMaria, principal consultant of Education First Consulting. Mr. DeMaria provided a PowerPoint presentation entitled, "Education: Fundamental

Concepts.” Following the presentation, Mr. DeMaria answered questions from committee members.

Committee member Larry Macon asked what state laws about public education are challenging. Mr. DeMaria said the system does not do a good job of accommodating students who consume education through multiple sources, for example, students taking online courses, courses at a traditional public school, and post-secondary courses. He said the state needs to ensure there are sound structures in place, but it can be difficult to reconcile if the student is benefitting. He said it can be challenging to appropriately distribute limited funds to all education sources that receive state funding, and that tax law is also a challenge. Mr. DeMaria urged committee members to be attentive to the intersection of education and tax policy.

Vice-chair Gilbert asked how charter schools have impacted public school funding. Mr. DeMaria stated that some resources are available solely for public schools and that charter schools operate on less money than public schools. He added that charter school enrollment decreases student numbers at public schools.

Chair Readler noted that the education system has changed, but the constitution has not. He said Ohio is experiencing a great change in education. Mr. DeMaria echoed that there has been a lot of recent innovation and pushing of the envelope with regard to education in Ohio.

Chair Readler then called on Reid Caryer, assistant attorney general in the education section at the Office of the Ohio Attorney General. Mr. Caryer stated that the attorney general’s education section represents entities of public education. He said, because provisions of the Ohio Constitution dealing with education could be subject to litigation, Mr. Caryer could not speak to specific situations, but gave an overview of the function of the education section.

Mr. Caryer said the section represents higher education as well as primary and secondary education. In relation to higher education, he said his agency serves as general counsel to Ohio’s public colleges and universities. He said the section works with schools’ legal counsels to give general advice, including answering daily questions and providing training. In relation to primary and secondary education, he said the attorney general’s office deals with issues of transportation, nutrition, and other matters, along with addressing schools that are in fiscal emergency and academic distress. Thus, he said they have a diverse caseload.

Vice-chair Gilbert asked about the difference between the State Board of Education and the Department of Education. Mr. Caryer stated that the State Board of Education is a decision-making body while the Department of Education is administrative.

Committee member Roger Beckett asked about major constitutional, contentious issues. Mr. Caryer stated that they have seen a lot of cases about First Amendment issues, public access to higher education, and school safety.

Representative Bill Coley asked about changing the funding model to directly funding students instead of school districts. Mr. Crayer stated that because that question, if it were enacted, could potentially lead to litigation, he could not comment.

Chair Readler called on Richard Lewis, executive director of the Ohio School Boards Association, who presented on the challenges and opportunities facing public education in Ohio. Following his presentation, Mr. Lewis answered questions from committee members.

Vice-chair Gilbert asked about the potential consequences of removing local control from schools. Mr. Lewis said this might result in a “one size fits all” mentality, adding it would be best to institute a funding model that fills current gaps.

Mr. Beckett asked about larger issues. Mr. Lewis noted that charter schools and vouchers, the school funding model, tax rollback changes, and collective bargaining are all issues. Chair Readler asked about the constitutionality of these issues. Mr. Lewis said that Ohio has made great strides and serious improvements, and is becoming more equalized. But, he said, low wealth and rural communities continue to fall behind. He noted a better funding formula would help. Chair Readler asked if this issue would be best solved in the legislature or the courts. Mr. Lewis said the courts would be a last resort, and that the General Assembly and local school boards would make the best decisions.

Mr. Macon asked if mayoral control of the Cleveland School District has been more effective than a traditional set-up. Mr. Lewis said the particular arrangement in Cleveland was crafted by the legislature and approved by the community. He said whether the transition can be cited as a success is unknown at this time. Oftentimes, he noted, mayoral control leads to a surge in progress which dwindles to previous levels of achievement.

Requesting Mr. DeMaria to return to the podium, Representative Vernon Sykes asked Mr. DeMaria about early childhood education, noting that provisions regarding early childhood education requirements were incorporated into the Florida Constitution. Rep. Sykes wondered if Ohio has any constitutional requirements relating to early childhood education, and whether Mr. DeMaria has suggestions for promoting early childhood education through the constitution. Mr. DeMaria said he believes that policy changes regarding early childhood education would be a better fit for the General Assembly.

Chair Readler thanked all speakers for their presentations. He then addressed the September meeting and proposed that the meeting should be organizational, allowing the committee to discuss steps for moving forward.

**Adjournment:**

With no further business to come before the committee, the meeting adjourned at 11:43 a.m.

**Approval:**

The minutes of the August 8, 2013 meeting of the Education, Public Institutions, and Local Government Committee were approved at the September 12, 2013 meeting of the committee.

*/s/ Chad A. Readler*

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Chad A. Readler, Chair

*Edward L. Gilbert*

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Edward L. Gilbert, Vice-chair