

Document D

Current constitutional provisions for public K-12 education should be maintained, but three additional amendments should be considered

Process to secure adequate funding for essential educational opportunities for all

The requirement that the state secure a thorough and efficient system of common schools and is responsible for the organization, administration and control the public system are essential to ensure the availability of adequate educational opportunities for all school children.

However, in view of the fact that the state has not fully met its constitutional responsibility to Ohio students, some additional constitutional direction is warranted.

The state has failed to identify, cost out and fund the components of a thorough and efficient, high quality public education system. Historically, the state has established an appropriation level for public K-12 education without first identifying what educational opportunities are to be afforded students of all types, i.e. regular, gifted, handicapped, English as a second language, disadvantaged and other special needs. A school funding system must be predicated on what students need and what is expected of them. In other words, the needs and expectations must drive the funding levels rather than the funding driving the educational programming. The following amendment proposal would give state officials additional direction to accomplish the thorough and efficient requirement. A proposed amendment follows:

Be it Resolved by the People of the State of Ohio that Article VI of the Ohio Constitution is amended to add Section 2a as follows:

Section 2a

The People of the State of Ohio adopt this Amendment for the purpose of defining and implementing the fundamental right of the children of our State to a thorough and efficient system of common schools as provided in Section 2 of Article VI of this Constitution.

(A) Definitions

“ACTUAL COST” means the cost of ensuring availability of the educational components of a high quality public education for each Public School Pupil in each Public School District, taking into account the educational needs of each type of pupil, the location and demographic circumstances of the pupil and the programs and services necessary to provide that pupil access to a high quality public education. Actual Cost includes the cost of joint vocational schools and educational service centers or successor entities providing similar services.

“EDUCATIONAL COMPONENTS” means, collectively, all of the necessary resources to provide a high quality public education for all Public School Pupils at every level and for every type of pupil, including, but not limited to, regular pupils and special education, vocational or career-technical, gifted, preschool, disadvantaged, and any other special needs pupils. Those components shall include, but not be limited

to, those learning opportunities, services, educational resources, transportation services, facility maintenance and interscholastic and extracurricular activities necessary to prepare pupils to function at the highest level of their abilities in post-high school educational programs and to successfully earn a suitable livelihood and shall, together with such additional requirements as imposed by law, represent the minimum levels of educational opportunities to which all Public School Pupils have a fundamental right. Educational Components need not be identical for each Public School Pupil. Each Public School District shall provide for programmatic choices provided that each school district must offer the opportunity for a High Quality Public Education to each of its Public School Pupils.

“HIGH QUALITY PUBLIC EDUCATION” means, collectively, all of those educational components, programs and services necessary to prepare each Public School Pupil to carry out the duties of citizenship and to function at the highest level of his or her abilities in post-high school education programs or gainful employment.

“LOCAL REVENUE CONTRIBUTION” means the proceeds of Public School District and joint vocational school district tax levies required to augment distributions from the School Trust Fund. Local Revenue Contributions shall include the proceeds of voted and unvoted property taxes levied for current operating expenses and other school district taxes levied for current operating expenses expressed in mills of property taxation, hereinafter collectively referred to as “equivalent millage” or “equivalent mills.”

“PUBLIC SCHOOL PUPIL” means any individual who is required by law to attend, or who does attend a public school operated by a Public School District as defined herein.

“PUBLIC SCHOOL DISTRICT” means those public school districts that are taxing subdivisions as defined by Ohio law, but does not include joint vocational school districts.

(B) Fundamental Right to a Public Education

Each Public School Pupil has a fundamental right to the opportunity for a High Quality Public Education. Such right shall be guaranteed by the state, as provided in this amendment, for all Public School Pupils, regardless of school district property values, income levels or other demographic or geographic factors.

(C) Education Accountability Commission

There is hereby created the Education Accountability Commission consisting of nine members, three of whom shall each be appointed by the Governor, the President of the Senate and the Speaker of the House of Representatives, respectively. Each appointing authority shall include among his or her appointees one current or former employee of a school district who has sufficient training and experience to be familiar with the needs for operating a quality public school program. The General Assembly shall provide by law for the terms, compensation, succession and necessary staff and facilities for the Education Accountability Commission.

The Education Accountability Commission shall monitor and annually report to the Governor, the General Assembly, the State Board of Education and the public regarding the extent to which the resources necessary to provide the components of a high quality public education as required by this section are being delivered in a cost efficient and effective manner and the degree to which they are

successful in improving pupil performance, together with such recommendations for improvement as the Commission determines.

(D) Components of High Quality Public Education

(1) Education Advisory Commission

There is hereby created the Education Advisory Commission consisting of eighteen members appointed by the State Board of Education. Members shall be residents of the State who reflect geographic and demographic diversity. One-third of the members of the Commission shall be divided between representatives of business and organized labor, one-third shall be or have been school district employees with training and experience in public school district operations and needs and one-third shall be representatives of the public at large. The General Assembly shall provide by law for the terms, compensation and succession of the Commission members.

(2) Determination of Educational Components

The State Board of Education, the majority of the members of which shall be elected by district by the electors of each respective district as shall be provided by law, in concert with the Education Advisory Commission shall, each budget biennium, conduct objective, reliable and validated studies as appropriate to define the Educational Components of a High Quality Public Education for all Public School Pupils for the next succeeding budget biennium. The determination of Educational Components shall include a thorough evaluation of the recommendations of the Education Accountability Commission, the latest education research, established best practices, incentives, costs attributable to location, specialized training and professional development, and the integration of appropriate technology to ensure effective utilization of the resources provided and improved student performance. The Educational Components as so identified shall, when fully funded, constitute a thorough and efficient system of common schools as required by Section 2 of Article VI of this Constitution.

(3) Determination of Educational Costs

The State Board of Education shall each budget biennium determine and certify to the General Assembly, the Governor and the Treasurer of State the Actual Cost of the Educational Components for each year of the next succeeding biennium. Actual Cost shall include the funds necessary to ensure for each Public School Pupil the availability of all appropriate Educational Components, as determined by the State Board of Education, together with all other requirements imposed by law. Actual Cost shall also include appropriate funding for the State Board of Education, the Education Advisory Commission, the Education Accountability Commission, educational service centers and joint vocational schools or successor organizations providing similar services.

(E) State Funding of High Quality Education

(1) Deposit to the School Trust Fund

Except as otherwise provided in this section, the General Assembly shall deposit to the School Trust Fund during the course of each year of each budget biennium, sufficient funds, taking into account School District Local Revenue Contributions, to ensure the availability of a High Quality Public Education to each Public School Pupil as determined by the State Board of Education under this section. The

amount deposited, together with School District Local Revenue Contributions, shall equal or exceed the statewide Actual Cost as certified by the State Board of Education. Such deposits shall include the proceeds of state lotteries provided in Section 6 of Article XV of this Constitution together with the proceeds of one or more other state taxes, the allocation of which may be determined by law. Such deposits shall be distributed from the School Trust Fund to each School District as provided by law. No School District or joint vocational school district shall receive any greater amount from the School Trust Fund than that which, when combined with the district's required School District Local Revenue Contribution, exceeds the amount necessary to ensure the opportunity for a High Quality Education for each of the Public School Pupils of the Public School District for any year.

(2) Local Revenue Contribution

Local Revenue Contributions shall, when combined with distributions from the School Trust Fund, represent sufficient funding to provide a High Quality Public Education for the Public School Pupils of each Public School District. The maximum required Local Revenue Contribution shall not exceed the proceeds of twenty mills of equivalent millage taxes. Property taxes included in the Local Revenue Contribution taxes shall be exempt from the rate reduction factors authorized by Article XII, Section 2a of this Constitution and such reduction factors shall be applied only to real property millage in excess of twenty mills of taxation. The taxable value of real property and improvements shall not exceed thirty-five percent of true value in money, except that the General Assembly may provide by law for other methods of valuing land devoted exclusively to agricultural use. The General Assembly may reduce or increase the required Local Revenue Contribution provided that the tax rate shall not exceed twenty equivalent mills. The Local Revenue Contribution for joint vocational school districts shall not exceed one-half mill of property taxation and up to two mills shall be exempt from the rate reduction factors authorized by Article XII section 2a of this Constitution.

(3) Legislative Override

The General Assembly may, by three-fifths majority vote of each house, determine alternate costs from those identified by the State Board of Education, provided that any such alternative costs shall include and provide funds for essentially the same components, programs and services as determined by the State Board of Education under this section. Any plan of alternate educational costs shall be subject to direct judicial review by the Ohio Supreme Court to determine if such plan complies with the mandate to provide a thorough and efficient system of common schools as defined and implemented in this subsection.

(F) Judicial Review and Enforcement

In addition to any other remedy available at law, the duty of the State Board of Education to determine and cost the components of a High Quality Public Education for all Public School Pupils, and the duty of the General Assembly to fund those costs, as provided herein, may be enforced by writ of mandamus in the Ohio Supreme Court. The General Assembly shall provide by law for an expedited administrative appeal process to determine individual Public School Pupil disputes regarding the availability of educational opportunities.

(G) Local Funding For Additional Opportunities

The General Assembly shall provide by law for additional voted tax levies to provide educational opportunities in addition to the Educational Components as determined by the State Board of Education.

Early Childhood Education

Early childhood education is critical, particularly for children who live in impoverished environments. It is essential that public high quality education programs are made available to all children but not required. The compulsory school age should remain the same.

The following proposed amendment would give state officials direction regarding early childhood educational programming:

Provision shall be made by law for early childhood education programs and services available to all children beginning at three years of age. Standards for such programs and services shall be promulgated by the State Board of Education and school district boards of education shall be responsible for implementing the programs and services with full funding provided by the State.

State Board of Education

The State Board of Education came into being in January 1956 subsequent to the passage of a constitutional amendment in 1953 to establish a state board of education and superintendent of public instruction to be appointed by the state board.

Commensurate with the intent of the people favoring the amendment the legislature enacted a measure to make the state an independent body via each board member begin elected one from each congressional district. The board became a fourth branch of government. Legislation requiring the appointment of eight members was enacted in the 1990s. This legislation created an environment in which the board and superintendent and department of education staff became an agency under the control of the governor.

Article VI, section 4a

State board of education members shall be elected, one from each congressional district.

