

# INITIATIVE PETITION

Number \_\_\_\_\_

County \_\_\_\_\_

Issued to \_\_\_\_\_  
(NAME OF SOLICITOR)

Date of Issuance \_\_\_\_\_

## **Amendment to the Constitution Proposed by Initiative Petition To be Submitted Directly to the Electors**

### **AMENDMENT**

#### **TITLE**

**Guaranteeing High Quality Public Education**

#### **SUMMARY**

The Amendment will enact provisions to define and implement the right of Ohio children to a thorough and efficient system of common schools as provided in Section 2 of Article VI of the State Constitution, including:

- Provides that each Public School Pupil has a fundamental right, guaranteed by the state, to the opportunity for a High Quality Public Education, regardless of school district property values, income levels or other demographic or geographic factors. Each public school district shall provide for programmatic choices that must offer the opportunity for a High Quality Public Education to each of its pupils.
- Defines “Public School Pupil” as any individual who is required by law to attend, or does attend, a public school operated by a public school district, which is defined as public school districts that are by law taxing subdivisions, but does not include joint vocational school districts.
- Defines “High Quality Public Education” to mean, collectively, all educational components, programs and services necessary to prepare each Public School Pupil to carry out the duties of citizenship and function at the highest level of his or her abilities in post-high school education programs or gainful employment.
- Defines “Educational Components” to mean, 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. The components need not be identical for each pupil, but shall include, at a minimum, 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 education 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.
- Provides for funding of a High Quality Public Education:
  - Except as otherwise provided in the Amendment, the General Assembly is required to deposit sufficient funds, each year of each budget biennium, into the School Trust Fund to ensure the availability of a High Quality Public Education to each Public School Pupil, taking into account School District Local Revenue Contributions. The amount deposited, shall include the proceeds of state lotteries provided in Section 6 of Article XV and the proceeds of one or more other state taxes, as may be allocated by law, and 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 be distributed from the School Trust Fund to each Public School District as provided by law. No Public School District shall receive any greater amount from the School Trust Fund than necessary to ensure, when added to the required Local Revenue Contribution, the opportunity for a High Quality Education for each of the pupils of the Public School District for any year.

- Local Revenue Contributions shall, when combined with distributions from the School Trust Fund, represent sufficient funding to provide a High Quality Education for the pupils of each Public School District. The maximum required Local Revenue Contribution shall not exceed the proceeds of 20 equivalent mills of taxation. The property taxes included in the equivalent mills shall be exempt from the rate reduction factors in Article XII, Section 2a and such reduction factors shall be applied only to real property millage in excess of 20 equivalent mills of taxation. The taxable value of real property and improvements shall not exceed 35% of true value in money, except that the General Assembly may provide other methods of valuing land devoted exclusively to agricultural use. The General Assembly may reduce or increase the required Local Revenue Contribution not to exceed 20 equivalent mills. “Local Revenue Contribution” is defined as the proceeds of public school district and joint vocational school district tax levies required to augment distributions from the School Trust Fund, including 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, collectively referred to in the Amendment as “equivalent millage” or “equivalent mills.”
  - A three-fifths majority of each house of the General Assembly may determine alternate costs from those identified by the State Board of Education, so long as the costs include and provide funds for essentially the same components, programs and services as determined by the Board. Any such plan is subject to direct judicial review by the Ohio Supreme Court to determine whether it complies with the mandate to provide a thorough and efficient system of common schools.
- Provides that the rate of school district and joint vocational school district required Local Revenue Contribution taxes levied on owner-occupied residences owned by individuals who are permanently disabled or 65 years of age or older shall be reduced to exempt the first \$40,000 of market value. The exemption shall be adjusted annually to reflect statewide average increases or decreases in the market value of residential real property.
  - Provides that 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.
  - Provides that beginning the first fiscal year following the adoption of this Amendment the General Assembly shall create and maintain a Local Government Trust Fund and appropriate to the fund for distribution to local governmental entities during each fiscal year an amount that is not less than the amount distributed to such local government entities for fiscal year 2006, increased annually by the same percentage by which the state’s personal income has increased based on the most recent data available from the U.S. Department of Congress or equivalent sources. Such funds shall be distributed in accordance with the same ratios utilized for distribution to local governments for fiscal year 2005.
  - Provides that total state funding for Ohio’s post-high school public education programs shall not be less than that provided for fiscal year 2007 and shall be increased annually by not less than the same percentage by which the state’s personal income has increased.
  - Provides that it is the responsibility of the General Assembly to ensure, effective July 1, 2012, safe, educationally adequate, and building code compliant school facilities as are necessary to the availability of a High Quality Public Education, to be funded by the Capital Improvements Program described in Article VIII, Section 2e. The General Assembly may provide by law, to be effective on or after July 1, 2012, for the prioritization of such facilities based on school district need and for the levy and collection of school district taxes to provide a reasonable local contribution to the cost of new or renovated school facilities, not to exceed 5 equivalent mills.
  - Provides for the creation of a 9 member Education Accountability Commission:
    - The Governor, President of the Senate and Speaker of the House of Representatives shall each appoint three members, each including 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 Commission shall monitor and annually report to the Governor, General Assembly, 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 are being delivered in a cost-efficient and effective manner, the degree to which they are successful in improving pupil performance, and make recommendations for improvement.

- Provides for the creation of an 18 member Education Advisory Commission appointed by the State Board of Education. One-third of the members 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; members shall be state residents and reflect the state's geographic and demographic diversity.
- Provides that each budget biennium, the State Board of Education and Education Advisory Commission in concert shall conduct objective, reliable and validated studies to define the Educational Components of a High Quality Education for all Public School Pupils for the next succeeding biennium. This determination shall include a thorough evaluation of the recommendations of the Education Accountability Commission, latest education research, established best practices, incentives, costs attributable to location, specialized training and professional development, and integration of appropriate technology to ensure effective utilization of the resources provided and improved student performance. These Educational Components shall, when fully funded, constitute a thorough and efficient system of common schools as required by Section 2 of Article VI.
- Provides that the State Board of Education shall each budget biennium determine and certify to the General Assembly, Governor and Treasurer of State the Actual Cost of the Educational Components for each year of the next biennium, including funds necessary to ensure for each Public School Pupil the availability of all appropriate Educational Components and all other requirements imposed by law and funding for the State Board of Education, Education Advisory Commission, educational service centers and joint vocational schools or successor organizations providing similar services. Defines "Actual Cost" as the cost of ensuring a high quality public education for each Public School Pupil taking into account the educational needs, location and demographic circumstances, and the programs and services necessary to provide each pupil access to a high quality education.
- Provides that a majority of the State Board of Education shall be elected by district by the electors of each respective district as shall be provided by law.
- Provides that 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, may be enforced by writ of mandamus in the Ohio Supreme Court. The General Assembly must enact an expedited administrative appeal process to determine individual Public School Pupil disputes regarding the availability of educational opportunities.
- Provides the following temporary provisions:
  - The initial implementation of determination of Educational Components and the Actual Cost shall be completed and funding of the components of a High Quality Public Education shall commence by July 1 of the third fiscal year following the fiscal year in which this Amendment is approved and the funding completed by the last day of the fiscal year. For the first and second fiscal years following the approval of this Amendment the annual per pupil state funding level for all Public School Pupils shall be increased by 5% plus increases representing increases in the cost of living.
  - No Public School District shall receive less state funding for public education than was received for the fiscal year in which this Amendment was adopted or in fiscal year 2010, whichever is greater. This provision expires June 30, 2017.
  - Public School Districts and joint vocational school districts may continue to levy those taxes approved prior to the effective date of this Amendment. Beginning the third fiscal year following the approval of this Amendment, required school district Local Revenue Contribution taxes will include the proceeds from previously approved school district property taxes and other equivalent millage taxes, which when combined, are not less than 20, nor more than 34, equivalent mills. During the next 6 fiscal years, each school district's required Local Revenue Contribution taxes shall be reduced in six equal annual increments to a total of 20 equivalent mills, or such lesser rate as the General Assembly may authorize. During the first 9 years following approval of this Amendment, no Public School District or joint vocational school district may reduce any rate of taxation for current operating expenses below that required for that School District's Local Revenue Contribution. Time-limited tax levies, if not renewed, shall expire at the stated expiration date, but may not be repealed prior to that date. These provisions expire June 30, 2017.
  - Following approval of this Amendment and through June 30, 2012 the General Assembly shall continue to provide funds for School District facilities as provided in Revised Code Chapter 3318 as in effect at the time of approval of the Amendment. This provision expires June 30, 2012.

**COMMITTEE TO REPRESENT THE PETITIONERS**

The following persons are designated as a committee to represent the petitioners in all matters relating to the petition or its circulation:

Brian W. Wilson	3847 River Crossing Drive	Hilliard, Ohio 43026
Catherine R. Johnson	7475 Opossum Run Road	London, Ohio 43140
Ronald K. Hamilton	5995 Grant Run Place	Grove City, Ohio 43123
Dorothy Wilson	1312 Knollwood Drive	Columbus, Ohio 43232

**NOTICE**

**Whoever knowingly signs this petition more than once; except as provided in section 3501.382 of the Revised Code, signs a name other than one's own, or signs when not a qualified voter, is liable to prosecution.**

**MUST USE MOST RECENT ADDRESS ON FILE WITH BOARD OF ELECTIONS**

*(Sign with ink. Your name, residence, and date of signing must be given.)*

Signature	Printed Name	County	City or Village	Street and Number	Ward Precinct	Mo/Day/Yr
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(Voters who do not live in a municipal corporation should fill in the information called for by headings printed above.)

(Voters who reside in municipal corporations should fill in the information called for by headings printed below)

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## **FULL TEXT OF PROPOSED AMENDMENT**

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 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.

(4) Public School Facilities

The General Assembly shall ensure, effective January 1, 2012, such safe, educationally adequate and building code compliant school facilities as are necessary to the availability of a High Quality Public Education. Funding for such facilities shall be included in the Capital Improvements Program described in Article VIII, Section 2e of this Constitution. The General Assembly may provide by law for the prioritization of such facilities based on school district need and for the levy and collection of school district taxes to provide a reasonable local contribution to the cost of new or renovated school facilities, not to exceed five equivalent mills.

(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) Public Higher Education

Because of the importance of relationships between public high school programs and public higher education programs in achieving a high quality public education, total state funding for Ohio's post-high school public education programs shall not be less than that provided for fiscal year 2007 and shall be increased annually by not less than the same percentage by which the state's personal income has increased based on the most recent data available from the United States Department of Commerce or equivalent sources.

(H) 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.

(I) Local Government Trust Fund

Because of the dependence of school districts upon local governments to provide a safe, trouble-free environment both during school and non-school hours and safe, well-maintained streets and roads, and, reliance upon a system of properly staffed and equipped libraries to augment the educational efforts and activities of public school districts, the General Assembly shall, beginning with the first fiscal year following the adoption of this amendment, create and maintain a Local Government Trust Fund. The General Assembly shall also, beginning with the first fiscal year following the adoption of this Amendment and annually thereafter, appropriate to the Local Government Trust Fund for distribution to local governmental entities during each fiscal year an amount that is not less than the amount distributed to such local government entities for fiscal year 2006, increased annually by the same percentage by which the state's personal income has increased based on the most recent data available from the United States Department of Commerce or equivalent sources. Such funds shall be distributed in accordance with the same ratios utilized for distribution to local governments for fiscal year 2005.

(J) Property Tax Value Exemption

The rate of public school district and joint vocational school district required Local Revenue Contribution taxes levied on owner-occupied residences owned by persons sixty-five years of age or older or by individuals who are totally and permanently disabled shall be reduced to reflect an exemption for the first forty thousand dollars of market value. The exemption shall be adjusted annually to reflect statewide average increases or decreases in the market value of residential real property.

(K) Temporary Provisions

(1) Transitional Period

The initial implementation of division (D) of this section shall be completed and the funding required by division (E) of this section shall be commenced not later than July 1 of the third fiscal year following the fiscal year in which this Amendment is approved and completed for that fiscal year by the last day of the fiscal year. For the first and second fiscal years following the approval of this Amendment the annual per pupil state funding level for all Public School Pupils shall be increased by both: (a) inflationary increases representing increases in the cost of living, and (b) five percent.

(2) Temporary Guarantee

No Public School district shall receive less state funding for public education than was received for the fiscal year in which this Amendment was adopted or in fiscal year 2010, whichever is greater. This provision shall expire on June 30, 2017.

(3) School District Revenue Contribution Phase-In

Public School Districts and joint vocational school districts may continue to levy those taxes approved prior to the effective date of this Amendment. Beginning the third fiscal year following the adoption of this Amendment, required Public School District Local Revenue Contribution taxes shall include the proceeds from previously approved school district property taxes and other equivalent millage taxes, which when combined, are not less than twenty equivalent mills, nor more than thirty-four equivalent mills. During the next six fiscal years, each school district's required Local Revenue Contribution taxes of more than twenty equivalent mills, but not exceeding thirty-four equivalent mills shall be reduced in six equal annual increments to a total of twenty equivalent mills, or such lesser rate as the General Assembly may authorize. During the first nine years following approval of this Amendment, no Public School District or joint vocational school district may reduce any rate of taxation for current operating expenses below that required for that School District's Local Revenue Contribution. Time-limited tax levies, if not renewed, shall expire at the stated expiration date, but may not be repealed prior to that date. This provision shall expire on June 30, 2017.

(4) School District Facilities

Following approval of this Amendment and through June 30, 2012 the General Assembly shall maintain and continue to provide funds for Public School District facilities as provided in Chapter 3318 of the Revised Code as in effect at the time of approval of this Amendment. This provision shall expire on June 30, 2012.

