

# WITNESS INFORMATION FORM

Please complete the Witness Information Form before testifying:

Date: 2/14/2020

Name: WILLIAM L PHILLIS

Are you representing: Yourself  Organization

Organization (If Applicable): Ohio Coalition for Equity and Adequacy of School Funding

Position/Title: Executive Director

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Do you wish to be added to the committee notice email distribution list? Yes  No

### Business before the committee

Legislation (Bill/Resolution Number): Conference Committee - HB9

Specific Issue: \_\_\_\_\_

Are you testifying as a: Proponent  Opponent  Interested Party

Will you have a written statement, visual aids, or other material to distribute? Yes  No

(If yes, please send an electronic version of the documents, if possible, to the Chair's office prior to committee. You may also submit hard copies to the Chair's staff prior to committee.)

How much time will your testimony require? 10-15 minutes

### Please provide a brief statement on your position:

General opposition to Vouchers

Please be advised that this form and any materials (written or otherwise) submitted or presented to this committee are records that may be requested by the public and may be published online.

# Equity & Adequacy

## Of School Funding

William L. Phillis, Executive Director, 50 S. Young Street, Columbus, Ohio 43215 (614) 228-6540, (614) 228-6542 fax, e-mail ohioeanda@sbcglobal.net  
Dr. T. Richard Murray, Chair, 205 N. 7<sup>th</sup> Street, Zanesville, OH 43701 (740) 452-4518, (740) 455-6702, e-mail richard.murray@mvesc.org

Representative Jones, Senator Huffman, Senator Peterson, Senator Fedor, Representative Edwards and Representative Robinson.

My name is William L. Phillis, Executive Director of the Ohio Coalition for Equity & Adequacy of School Funding. My career in public education began in 1958. For the past nearly 62 years, I have been engaged in public education as a teacher, principal, superintendent, assistant superintendent of public instruction, adjunct assistant professor of school finance and administration and in my current role.

I am reminded daily that Ohio's common school funding system was declared unconstitutional in 1997, 2000, 2001 and 2002. Although some attempts have been made to develop a remedy, the system has remained unconstitutional for nearly a quarter century. The attempts at a remedy have been blurred by the introduction of vouchers and charters. These alternatives to the common school system have diverted in the range of \$15 billion from the public school system required by the Constitution.

We cannot have a productive conversation about vouchers without considering the state's constitutional responsibility to provide the children of Ohio an education via the public common school system required by the Constitution.

My testimony is not focused on:

- Whether voucher eligibility is based on family income or the so-called "failing school" syndrome
- Whether a family can afford faith-based school tuition
- Whether private schooling is superior to public schooling (however, research shows that when demographics are factored in, there is no private school advantage)
- Whether a parent has a preference for private schooling
- Whether a parent prefers to have a more homogeneous school setting than in the public school setting
- Whether a public school district might not meet the expectations of a particular parent or set of parents
- Whether the voucher plans are designed to prop up declining enrollments in the private sector

My testimony relates to the state's constitutional obligation to perfect a thorough and efficient system of common schools throughout the state. Until the state has fulfilled its obligation, it has no duty to create voucher programs or any other alternative to the common school. Additionally, it is not judicious to do so.

Some of Ohio's education policies can be traced as far back as the Land Ordinance of 1785. That ordinance required the 16<sup>th</sup> section of each township to be set aside for the support of public schools. The Northwest Ordinance of 1787 encouraged government to support education with the language:

**Religion, morality, and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged.**

Article I §7 of the Ohio Constitution has a version of the 1787 Ordinance:

***“Religion, morality and knowledge, however, being essential to good government, it shall be the duty of the General Assembly to pass suitable laws to protect every religious denomination in the peaceable enjoyment of its own make of public worship and to encourage schools and the means of instruction.”*** Further §7 provides that: ***“No person shall be compelled to attend, erect or support any place or worship, against his consent;...”***

A question that comes to mind here is, “Should any taxpayer be required to fund any religious activity?”

Lest anyone think I am opposed to religion. I am a member of the Board of three faith-based organizations—a youth camp, a children's home and a private university. However, I will not ask taxpayers to pay for any of these institutions even though some of my tax money goes to support state-operated institutions that provide similar services. There is no authority in Article I §7 for the state to fund religious activities.

During the first half of the 19<sup>th</sup> century, Ohio had a mishmash of school organizations—charity schools, private schools and public schools. Public common schools were geographically-based in townships, villages and towns or cities. In the early years, public schools were often not well-supported but by the mid-19<sup>th</sup> century, the movement to establish a system of common schools grew rapidly.

The movement had a lot of opponents. A segment of Protestants resisted the common school as a threat to their influence over youth. The Catholic hierarchy did not support the common school because it was unconnected with the Catholic faith. Additionally, many folks resented the idea of being taxed for the education of the children of other people.

In spite of substantial opposition, the common school system advanced throughout the nation. Historically, over 90% of the youth of America have been educated in the common school system. It is entrenched in the political and social fabric of the nation. The Constitution of each state has one or more provisions that require the state to maintain a public common school system.

In Ohio, public education was a substantial consideration of the delegates to the Constitutional Convention of 1850-1851. The delegates were generally disconcerted with the condition of the public school system; thus, they crafted a provision that obligated the state to secure, by taxation or otherwise, a thorough and efficient system of common schools.

Article VI §2 states: **The General Assembly shall make such provisions, by taxation, or otherwise, as, with the income arising from the school trust fund, will secure a thorough and efficient system of common schools throughout the state; but no religious or other sect, or sects, shall ever have any exclusive right to, or control of, any part of the school funds of this state.**

In 1853, the position of State Commissioner of Common Schools was created by statute. Obviously the emphasis was on the state's obligation to support public common schools.

The delegates to the Constitutional Convention of 1912 also considered public education and crafted an amendment to strengthen public education.

**Article VI §3 states: Provision shall be made by law for the organization, administration and control of the public school system of the state supported by public funds: provided, that each school district embraced wholly or in part within any city shall have the power by referendum vote to determine for itself the number of members and the organization of the district board of education, and provision shall be made by law for the exercise of this power by such school districts.**

Another amendment in 1912 created the position of Superintendent of Public Instruction which replaced the Commissioner's position. The State Board of Education was established by constitutional amendment in 1953 with the Superintendent being appointed by the State Board.

**Article VI §4 states: There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.**

Therefore, the state is responsible for creating and maintaining, by taxation, a system of common schools, period. Tax money is for the common school system. Tax funds belong to the system, not individuals. The money follows the child to the public school system, not to a private entity.

Tax revenue raised for public services, such as police, fire, parks and highway departments are transferred to the departments. Individuals are not entitled to a cut of the tax revenue to shop for these services in the marketplace. The same is true regarding the public common school system.

The Constitution guarantees all school-age children a seat in a common school classroom. It does not entitle a student to a seat in a private school at public expense.

The decisions made by the 133rd General Assembly will have long-term consequences regarding the public common school system. Either the legislature will curb the negative impact on school districts or exacerbate the harm. Harm to the public common school system causes harm to the nation.

President Grant was an enthusiastic supporter of public education as a means of unifying the nation after the Civil War.

The public system promotes democracy, the common good, and the American dream. It is a place where all the children of all the people can come together to become Americans together.

Economist Milton Friedman advocated a universal voucher system as early as the 1950s. When accepting the Nation at Risk report in 1983, President Reagan said he was glad the report recommended vouchers even though the report was silent on the subject.

On November 25, 1991, President G.H.W. Bush, in a speech in Columbus, advocated for a voucher for every student. Soon after, the Voinovich administration, with the help of Industrialist David Brennan of Akron and some religious leaders, initiated the Cleveland Voucher program.

The goal of some in the voucher advocacy community is to give each student a voucher regardless of income level or the rating of the school district of residence. These eligibility criteria are foot-in-the-door steps to a universal voucher system.

A voucher system that is predicated on the money-follows-every-child model will divide communities, states and the nation into tribes—hundreds of sects of Christians, Hebrews, Muslims, Hindus, witchery, etc.

Therefore, if vouchers are to be continued and/or expanded, the state should find an additional source of funding for them and should regulate voucher schools the very same way as public schools.

The time being required to correct this voucher conundrum could have been better spent in devising a remedy to the unconstitutional common school system.