

The Fair School Funding Plan: The Long and Winding Road

It is with deep gratitude and appreciation that I return to this hallowed institution from which, in 1979, I received my Masters degree. I am exceedingly humbled, furthermore, to have been selected as this year's Hicks Executive in Residence.

Since my time spent on campus as a student, much has changed, yet much remains the same. The railroad tracks (and the trains that used them) which separated East Green from South Green, are long gone. The OU airport nestled along the Hocking River is also gone yet Rt 50 is now a four lane highway. But Halloween, Court Street, and the charm of Athens all remain the same—as does the original mission when Ohio University was founded in 1804. That mission, which is the basis of my remarks, is best summarized in the motto of the University: “Religion, Learning, Civility; Above All, Virtue.”

In full disclosure, I graduated from Marietta College in 1978—and so I am both a Pioneer and a Bobcat—a point to which I shall return. A history major, I transferred to Marietta from Kent State Ashtabula as I was determined to become a high school or college baseball coach. In due time I would do both. Though never good enough to play baseball at Marietta, Coach Don Schaly gave me the opportunity to become a student assistant coach—which would change my life forever. My junior and senior years flew by, I graduated in May and applied for a few teaching positions in the area: Fort Frye, Harrison Hills, and Noble Local. Though a finalist in all three districts, I was not selected. Hence, without a job and time on my hands, I was advised by a dear friend and faculty member at Marietta to check out Ohio University and see if I could pursue a Masters degree.

The failure to secure a teaching position brought me to Ohio University and, due to my grades, I was offered a partial scholarship. I accepted without hesitation.

I lived on the East Green, Perkins Hall, but spent most of my time in Bentley Hall or Alden Library. Drs. Gustafson, Elsbree, and Collins also changed my life. Those three professors left a mark on me and on countless other young men and women. They were inspirational, demanding, and caring. They inspired me to apply to law school, which I did, and to pursue a career in the legal profession. That career path, however, was altered when I was denied admission.

The failure to gain entry to law school took me by surprise. I was living at home anticipating a positive response. About the same time, however, I was asked by the

Athletic Director at Kent State Ashtabula if I would be interested in coaching baseball there. Of course I said I would—this would be a one season gig.

As fate would have it, Kent offered free graduate classes to part-time employees back then. Needless to say, I jumped at the opportunity to begin work on my Ph.D. and coach baseball simultaneously. One season quickly became four—during which time, as a result of coaching women’s softball, I met and married Nancy—the most important person in my life. We will celebrate our 39th anniversary this summer.

Speaking of summer, our first one together was marked with major change. After working full-time for the Ashtabula County Highway Dept. for nearly two years—fixing guardrails, patching potholes, and driving truck—I received a call from my home high school. “Would I be interested in teaching U.S. History,” I was asked? This was less than a week before school was to start. Nancy thought I should—I could still work on my Ph.D. and we would have similar calendars. I accepted, but told the principal that I could give him only a year as I still wanted to finish my degree and continue on to coach college baseball.

Twenty-nine years, two sons, and a Ph.D. later, I retired from Jefferson Area High School to run for the Ohio House of Representatives. During my “brief stop” at Jefferson, I taught U.S. History, Honors History, and AP History. I coached girls basketball, JV baseball, boys golf, and boys cross-country. I was the Model U.N. advisor for 28 years as well as the Academic Challenge advisor for the same period. Through the U.N. program, we initiated a World Affairs Class which subsequently prepared my students to compete at the Harvard, Chicago, Kent State, and Youngstown State Conferences. In 1995 we competed at The Hague International Conference, in the Netherlands. During my career, I was also the chief negotiator for our union over the course of my last twenty plus years.

And why do I relate all the foregoing biographical information?

First, at the core of my life is my faith. It is my fervent prayer that God places me where I need to be, to serve Him, by serving others. My “failures” were, in reality, opportunities to change course and to lean on my the faith to continue the journey. This refining process of failure, redirection, and growing faith reflects the inclusion of the “religion” component of the Ohio University motto. Every single one of us has painstakingly charted plans for our lives only to see them dashed upon the rocks of despair. What do we do next? How do we redirect? Manasseh Cutler, minister, lawyer, and doctor, whose family name is synonymous with Ohio

University, would argue that religion and faith stand at the core of our very being. So it was. So it is.

Second, we must be ready for new challenges when they come. As President Lincoln famously said, “I will prepare and someday my chance will come.” We must possess an academic curiosity about many things—and prepare for new things. This is the “learning” component of the Ohio University motto. Our education is never completely finished. It is a lifelong passion and journey.

Third, I believe that one should not be frozen in place by risk. To be sure, there is always a chance of failure—and it does happen—but to remain complacent is to reject an opportunity that may not come again—and life is too short for missed opportunities. I believe that one should embrace the moment, commit to the cause, and focus on the path ahead and not the path just travelled.

It is precisely the education and training I received here, in southeast Ohio, at Marietta and Ohio University that prepared me for service in the Ohio legislature. Clearly the road to the legislature was long and winding even for me.

For twenty-nine years I witnessed and experienced firsthand how educational opportunities impact students. I was immersed in their collective lives, and they in mine. When drastic cuts came to education with the Kasich budget passed in 2011, I was incensed to say the least. If a course or a program did not fall subject to state testing mandates, they were subject to financial scrutiny for school boards. Such courses and programs would be the first ones sacrificed to keep school districts solvent due to significant decreases in state funding. And what were these courses/programs you ask? Vocational Agriculture, consumer science, engineering drawing, shop classes, Future Farmers of America... the list goes on, but simply, “if it wasn’t tested, it may not be funded.”

Tragically, the very courses and programs that provided enrichment for our students would be sliced, diced, and cut from our schools. And what long-term damage would result from this? How many students would not find their true “calling?” How would communities and our state fare when we shrunk such offerings to students thus stultifying their own intellectual curiosity and, as a result, diminishing their horizons of opportunity against the darkness of despair?

I decided to do something about the school funding issue rather than just complain about it. I would run for the legislature and fix this for my students, for our communities, and for our state. I wrapped up my teaching career at Jefferson in

June 2012, took one day off to do yard work, then committed full-time to the campaign trail. I was elected that November to the House. We were outspent 3-1. How much did the opposition commit to a two-year term? Over \$1 million dollars. We were certainly outspent, but we were never outworked.

Within weeks of taking office, I met with various experts who had grappled with the challenge of a fair school funding plan. Wendy Patton of Policy Matters, former Rep. Debbie Phillips of Athens, Howard Fleeter, the esteemed economist, and a quiet shy guy name Bill Phillis—all provided insight, encouragement, and support. The first meeting of the Bipartisan Education Funding Caucus, which I founded, occurred in December 2013. The real journey had just begun.

The Caucus met throughout the rest of my first term, but I quickly realized that I needed to be assigned to the Finance Committee to really make an impact. In my second term, I asked for just that and was subsequently placed on the Finance Subcommittee on Primary and Secondary Education—the chair was Representative Robert Cupp.

I learned so much about school funding during those five weeks of testimony. I learned that there was so much I didn't know...so much I needed to know...and so many more who *did* know.

A crucial turning point came in the next legislative cycle, in 2017. By now I was in my third term, Chairman Cupp was in his second, and there were some pressing issues. Power plant closures were beginning to impact certain school districts. One district in particular, Manchester Local, down along the Ohio River, was faced with a horrific choice. Not one, but two coal-fired plants were shutting down. In testimony, the superintendent asked us if we knew how large a levy would be required to offset the difference. Nobody knew. “At least 120 mils,” was the reply. We were all shocked. Somehow, some way, in some fashion we knew we needed to “fudge” the formula to drive money to districts like Manchester. “Formula”—for lack of a better word—that was what we had at the time—\$6020 per pupil statewide—and no explanation as to why or how that number was determined—we had to help those districts.

That year, Gov. Kasich's State of the State was to be held in Sandusky. As we gathered in the ballroom of Cedar Point, Chairman Cupp told me he had the latest simulations. We needed a place to spread them out for our inspection. The director of the Sandusky County Tourism Board, who happened to overhear our

conversation, offered his office. We accepted his invitation and for the next few hours poured over the simulations.

At one point, out of frustration, we looked at each other, shook our heads in disbelief, and vowed that we would never find ourselves in this predicament again. We would sew and patch this budget to make it work, but we would find a way to truly overhaul the school funding formula. This was in April, 2017. There was no going back now—and “failure was not an option.”

That September I was riding up the escalator in the Riffe Center with Chairman Cupp. Parenthetically, I think it was appropriate that we were “going up.” He told me that a friend of his had just retired and that this person could help us organize the school funding reform effort. His name was Jim Betts, another Bobcat, Class of ‘54. Jim would prove to be an invaluable addition to the team then, and now.

Over the next few weeks the three of us laid out a design that remains today. Experts from the field, active superintendents and treasurers would be asked to help us understand the weaknesses of the state’s model while planning for a better one that could replace it. We would create various subcommittees to address such elements as base cost, distribution, transportation, technology, special needs and gifted students, English Language learners, career tech, education service centers, and economically disadvantaged students. Sixteen experts from all over Ohio, from large urban districts to small rural districts and from those districts on caps to those on guarantees—all came together for one purpose—to create a funding formula that was transparent, sustainable, and justifiable. It was to be “pure” without concern to any political or economic influences. This was in 2017.

Over the next few months we met. We called. We emailed. And we continued to refine all components of the formula. Our goal was to have the overhaul ready for early 2019 for inclusion into the state budget. Though we tried valiantly, we failed to achieve our goal. It wasn’t ready for prime time. There were still unsolved questions about open enrollment, economically disadvantaged, the overall cost, and, as if we needed another challenge, the SAL.

“SAL” is an acronym for the State Appropriation Limitation. None of us expected this to be an obstacle, but it was, at first. Under this law, for it is not a Constitutional mandate, the growth of the state budget cannot be greater than 3.5% or population growth coupled with inflation. If the Fair School Funding Plan were adopted in its entirety, we would blow through the SAL. Though legally possible,

it would require an act of the legislature to exceed the SAL. Politically this was not feasible given the temperament of the legislature at the time.

The bottom line was this: we were not prepared to offer the Fair School Funding Plan in time for that budget. Personally, I was frustrated, heartbroken, and despondent for my time in the House would soon be coming to a close.

It was at this point that Jim Betts, then Rep. Cupp, and the members of the School Funding Workgroup rallied around the plan with even more determination. We arrived at an open enrollment formula that seemed to work. We did our best to arrive at a transitory figure for economically disadvantaged students with the goal of full implementation at the end of the phase-in. And we assured my former colleagues that, indeed, the cost could be covered by the natural growth of the budget—though this would be over \$300 million per year, year over year, it was possible—and with no tax increases. This might sound like a great deal of money, but when one ponders how much money should have been spent in the previous decade compared to how much was really needed, it should not be surprising that this figure was, and is, so high. However, the SAL remained an obstacle....

In July of 2020 came astonishing news... Speaker Householder was arrested by federal agents. Within days, the House convened to remove and replace him as Speaker. The new speaker, as you well know, was Bob Cupp. Who could have foreseen this twist of fate?

House Bill 305, as it was called in the 133rd General Assembly had been introduced in 2019—too late for inclusion in the budget. With Speaker Cupp now in his new position, the bill gained momentum. It was decided that we would be able to push it through the General Assembly as an “intent bill.” That is, we could outline its inclusion into the next budget if we could first move it through the House before the end of the legislative term.

I might add, COVID had arrived on the scene in March of 2020 which further complicated our work. Committee hearings were sporadic. Zoom was in its infancy so meetings were difficult—even by conference call. But we persevered. The fall of 2020 brought more delays with the impending election season—yet another hurdle to clear as candidates were focused on their own survival and the legislature would not be in session until after the election. More delays, more heartburn, more frustration.

Finally, on December 3rd 2020, HB 305 came to a vote on the floor. Over two decades after the first DeRolph decision, the House voted 87-9 to adopt the Fair School Funding Plan. Cheers and applause broke out inside the Chamber as well as the hall outside, where some members were stationed due to COVID.

It was our hope that we could convince the Senate to move as we did in the House. Time was running short and bills that do not pass both chambers during a legislative cycle are doomed to die. And so it was with HB 305... but there was hope.

In the 134th General Assembly, Speaker Cupp had Representatives Callender and Sweeney introduce HB 1—a priority bill—that was the reincarnation of 305. Like a phoenix, the Fair School Funding Plan had risen from the ashes.

In time, as you well know, HB 1 was rolled into the operating budget, HB 110. For the most part, that which we deemed to be most important was there. This time, due to the incorporation of the Plan into the budget, both chambers overwhelmingly passed the legislation with wide bipartisan support—which is rare for any budget. The Fair School Funding Plan is now part of Ohio law.

And what of the DeRolph case? In just a few days we will mark the 25th anniversary of the first DeRolph decision. I spoke with Nathan DeRolph in late November 2020. He is in his forties now. His children are of college age. He pleaded with me to get this done, over the finish line, for his grandchildren, as it is too late for him and his children. Think on that...25 years have elapsed since the first DeRolph. How many students, how many dreams, how many lives have been altered because of our unwillingness to take on the challenge of this magnitude?

So here we are in March of 2022. I am long gone from the House and Speaker Cupp is termed out this December. The members of the Fair School Funding Plan have recently completed their tour around the state to hear your concerns, criticisms, and praises of the plan—and yet our work is not yet complete. We are preparing for the next budget cycle, now with inflation readily impacting our lives and the international situation in Ukraine creating fear and doubt. Clearly, the road to fair school funding has been, with all respect to the Beatles, “A Long and Winding Road.”

Why is our mission so important and what can you do to help? A quick review of Article 3 of the Northwest Ordinance will begin to address the first question. It states, “Religion, morality, and knowledge, being necessary to good government

and the happiness of mankind, schools and the means of education shall forever be encouraged.”

Stated in a different way, “good government and happiness” are all predicated upon education.

Education is critical to expose oneself to a career path that is fulfilling, provides for one’s sustenance, and above all else, provides meaning to life through one’s service to others.

Education is central to the workforce needs of a 19th century society—during the formative years of Ohio University—just as much as a 21st century vocational landscape is for today’s students. We need those who are educated in various fields to give themselves freely to supply the workforce needs of the greater whole.

And finally, education is an indisputable component for the continuation of our great democratic experiment. Public education remains as the first and last opportunity for individuals from all creeds, all beliefs, and all economic strata to come together to learn as one. In that process we learn about others, develop empathy, which, in full bloom, produces civility—the very civility now so sorely lacking and upon which governmental systems rise and fall. At this hour, our communities, our state, and our nation, are in desperate need of leaders who hold high moral standards, who hold education in high esteem, who can disagree without being disagreeable, and who, above all else, exude that virtue which has been imbued into their hearts. “Religion, Learning, Civility; above all, Virtue,” that motto, once more, forevermore, ingrained in our hearts, our minds, and our souls.

Once more I thank you for bestowing this honor upon me. I am deeply moved and grateful. The Coalition of Rural Appalachian Schools touched my heart years ago during my first term in the legislature. I share your concern for education. I salute your commitment to your districts. And I applaud your love of students. CORAS made me a better legislator, a better advocate, and a better person.

In closing, I must make one final ask.... I have shared with you the long and winding road of education reform; I have shared with you my personal journey; and you have listened. But listening isn’t enough. Our students, our communities, our state needs you now. The Fair School Funding Plan is not yet fully phased-in. There are battles yet to be fought.

The question now begs of you... what will *you* do on *your* watch at this time? If not now when? If not *you*, who? Talk to your constituents. Speak to your community groups. Develop a relationship with your State Representative and Senator for *we* are all in this fight together. May future generations say about us that at this time, in this hour, it was *we* who filled the breach. *We* answered the call. And as one people, one body, *we* reached the mountaintop, to glory in the spectacular light of dawn—a dawn heralding a Renaissance for public education.