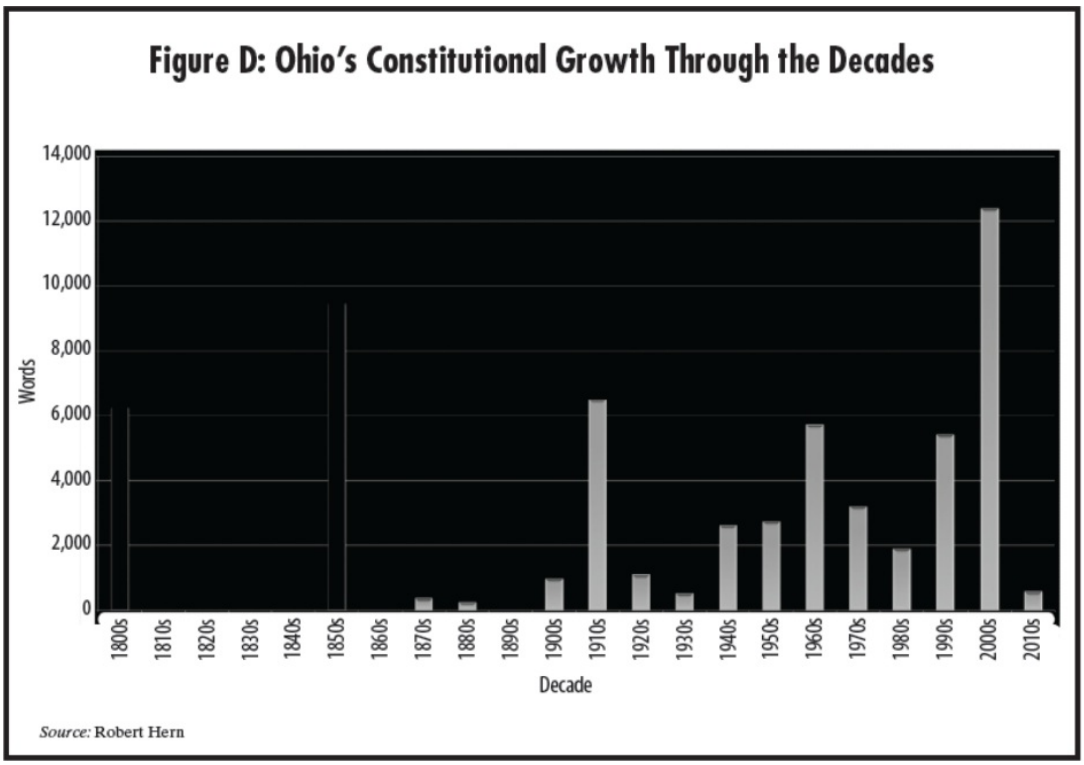
Supporting Question 2	
Featured Source F	Ohio's Constitutional Growth through the Decades



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Supporting Question 3	
Supporting Question	Are there present-day challenges facing Ohio that you believe should be addressed through constitutional amendments?
Formative Performance Task	During a class discussion of challenges facing Ohio, categorize each as high priority, low priority, or no-priority. Provide a rationale for each choice.
Featured Sources	• **Source A**: DeRolph IV Ohio Supreme Court Decision (excerpts) • **Source B**: 2014 Judicial Elections Survey (U. of Akron) • **Source C**: Editorial: Spruce Up the Outdated Ohio Constitution • **Source D**: "Ohio's voter registration purge targeted thousands in error. Now, a call for change."

Students will explore, through the sources listed as well as any sources they find on their own, whether the current challenges in governing Ohio should be addressed through a constitutional amendment.

Formative Performance Task

Students will categorize each priority as high, low or no-priority, with rationales.

Excerpt

DEROLPH ET AL., APPELLEES, v. THE STATE OF OHIO ET AL., APPELLANTS.

[Cite as DeRolph v. State, 97 Ohio St.3d 434, 2002-Ohio-6750.]

Constitutional law — Education — Schools — Current school-funding system unconstitutional — General Assembly directed to enact a school-funding scheme that is thorough and efficient.

(No. 1999-0570 — Submitted October 30, 2001 — Decided December 11, 2002.)

Common Pleas Court of Perry County, No. 22043.

ON MOTION FOR RECONSIDERATION.

PFEIFER, J.

{¶1} In DeRolph v. State (2001), 93 Ohio St.3d 309, 310, 754 N.E.2d 1184 ("DeRolph III"), this court issued an opinion with which none of the majority was "completely comfortable." As the author, Chief Justice Moyer, noted, we did so in an attempt to eliminate the "uncertainty and fractious debate" occasioned by our continued role in the case. Id. at 311, 754 N.E.2d 1184. A motion was filed asking this court to reconsider its decision. We granted that motion and ordered a settlement conference pursuant to S.Ct.Prac.R. XIV(6)(A). DeRolph v. State (2001), 93 Ohio St.3d 628, 758 N.E.2d 1113. Settlement efforts were unavailing, and we now rule on the merits of the case on reconsideration.

{¶2} In DeRolph v. State (1997), 78 Ohio St.3d 193, 677 N.E.2d 733, syllabus, ("DeRolph I"), this court stated, "Ohio's elementary and secondary public school financing system violates Section 2, Article VI of the Ohio Constitution, which mandates a thorough and efficient system of common schools throughout the state." In DeRolph I, this court admonished the General Assembly to create a new school-funding system, but otherwise provided no specific guidance as to how to enact a constitutional school-funding system. Id. at 213, 677 N.E.2d 733. See id. at 262, 677 N.E.2d 733 (Pfeifer, J., concurring) (the majority opinion "does neither more nor less than the syllabus law sets forth").

{¶3} Three years later, after the General Assembly had enacted various changes to the school-funding system, this court again determined that the schoolfunding system was unconstitutional. DeRolph v. State (2000), 89 Ohio St.3d 1, 728 N.E.2d 993 ("DeRolph II"). We stated, " '[T]he sovereign people made it mandatory upon the General Assembly to secure not merely a system of common schools,' but rather a thorough and efficient system of common schools. Miller v. Korns (1923), 107 Ohio St. 287, 297-298, 140 N.E. 773, 776, approved and followed." DeRolph II, paragraph one of the syllabus. As in DeRolph I, the majority did not provide specific guidance to the General Assembly as to how to enact a constitutional school-funding system. But, see, DeRolph II at 47, 728 N.E.2d 993 (Pfeifer, J., concurring). Some of us praised the efforts of the General Assembly, and that praise was deserved. Id. at 41, 728 N.E.2d 993 (Douglas, J., concurring).

{¶4} We are aware of the difficulties that the General Assembly must overcome, and that is why we have been patient. The consensus arrived at in DeRolph III was in many ways the result of impatience. We do not regret that decision, because it reflected a genuine effort by the majority to reach a solution to a troubling constitutional issue. However, upon being asked to reconsider that decision, we have changed our collective mind. Despite the many good aspects of DeRolph III, we now vacate it. Accordingly, DeRolph I and II are the law of the case, and the current school-funding system is unconstitutional.

{¶5} To date, the principal legislative response to DeRolph I and DeRolph II has been to increase funding, which has benefited many schoolchildren. However, the General Assembly has not focused on the core January Term, 2002 3 constitutional directive of DeRolph I: "a complete systematic overhaul" of the school-funding system. Id., 78 Ohio St.3d at 212, 677 N.E.2d 733. Today we reiterate that that is what is needed, not

further nibbling at the edges. Accordingly, we direct the General Assembly to enact a school-funding scheme that is thorough and efficient, as explained in DeRolph I, DeRolph II, and the accompanying concurrences.

{¶6} We are not unmindful of the difficulties facing the state, but those difficulties do not trump the Constitution. Section 2, Article VI of the Ohio Constitution 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 * * *." This language is essentially unchanged from the initial report from the Standing Committee on Education at the Constitutional Convention of 1850-51. I Report of the Debates and Proceedings of the Convention for the Revision of the Constitution, 1850-51 (1851) 693 ("Debates"). Even the minority report, presented by those opposed to the above language, had virtually the same import. It stated, "The General Assembly shall provide by law a system of common schools, and permanent means for the support thereof * * *." Id. at 694.

{¶7} The delegates and through them the people of this state expressed their desire for more and better education and their desire that the state should be responsible for it. Delegate J. McCormick, from Adams County, stated, "Under the old Constitution it is provided that public schools and the cause of education shall be forever encouraged; and, under this constitutional provision, we have trusted the General Assembly for forty-eight years; and we may trust them for forty-eight years longer, without any good result. * * * Our system of common schools, instead of improving in legislative hands, has been degenerating; and I think it is time that we should take the thing in hands ourselves." William Hawkins, a delegate from Morgan County, said, "[W]e are warranted by public sentiment in requiring at the hands of the General Assembly a full, complete and efficient system of public education." Id. at 16. The delegates perceived the General Assembly of that time as being insufficiently committed to education. Even though some delegates wanted to leave matters wholly to local authorities, see id. at 17, the delegates in their wisdom decided to include the Thorough and Efficient Clause in the Constitution. They and the people used the Constitution to command ongoing affirmative action by the General Assembly.

{¶8} James Taylor, a delegate from Erie County, stated, "I think it must be clear to every reflecting mind that the true policy of the statesman is to provide the means of education, and consequent moral improvement, to every child in the State, the offspring of the black man equally with that of the white man, the children of the poor equally with the rich." Id. at 11. Samuel Quigley, a delegate from Columbiana County, stated, "[T]he report directs the Legislature to make full and ample provision for securing a thorough and efficient system of common school education, free to all the children in the State. The language of this section is expressive of the liberality worthy a great State, and a great people. There is no stopping place here short of a common school education to all children in the State." Id. at 14. The delegates knew what they wanted, what the people wanted, and that it was necessary to use the Constitution to achieve what they wanted.

{¶9} The Thorough and Efficient Clause is part of our Constitution and part of our heritage. There were delegates who approved of even stronger language. Delegate McCormick proposed "a consolidation of all the general and local funds of the State, and distribution of the amount equally among the children of the State." II Debates at 17. Otway Curry, a delegate from Union County, expressed his concern that the Thorough and Efficient Clause would "prove totally insufficient and powerless." Id. at 710. Were this court to avoid its responsibility to give continued meaning to the Constitution, his fears would become reality.

{¶10} The Constitution of this state is the bedrock of our society. It expressly directs the General Assembly to secure a thorough and efficient system of common schools, and it does so expressly because the legislature of the midnineteenth century would not. As R.P. Ranney, a delegate from Trumbull County, put it, "I desire to lay a plan such as within certain limits the Legislature shall be bound to carry out." Id. at 16.

{¶11} We realize that the General Assembly cannot spend money it does not have. Nevertheless, we reiterate that the constitutional mandate must be met. The Constitution protects us whether the state is flush or destitute. The Free Speech Clause of the United States Constitution, the Equal Protection Clause of the United States Constitution, the Thorough and Efficient Clause of the Ohio Constitution, and all other provisions of the Ohio and United States Constitutions protect and guard us at all times. Harman Stidger, a delegate from Stark County, said, "If we should leave every thing to the Legislature, why not adjourn this Convention sine die, at once?" Id. at 11. The same could be said of this court and the Ohio Constitution.

Judgment accordingly.

RESNICK and F.E. SWEENEY, JJ., concur.

RESNICK, J., concurs separately.

DOUGLAS, J., concurs in judgment only.

LUNDBERG STRATTON, J., concurs in part and dissents in part.

MOYER, C.J., dissents.

COOK, J., dissents.

[...]

ALICE ROBIE RESNICK, J., concurring.

{¶12} I concur in today's majority opinion. Given the views I expressed in my dissent in DeRolph v. State (2001), 93 Ohio St.3d 309, 344-375, 754 N.E.2d 1184 ("DeRolph III"), I of course agree with this court's decision to vacate the majority opinion in DeRolph III. I have no desire to reiterate in detail the contents of that dissent, which were consistent with my views in DeRolph v. State (1997), 78 Ohio St.3d 193, 677 N.E.2d 733 ("DeRolph I"), and DeRolph v. State (2000), 89 Ohio St.3d 1, 728 N.E.2d 993 ("DeRolph II"). It appears that much of what this court stated in DeRolph I and II has fallen on deaf ears. It is not likely that stating at length the same message once again would have much of an effect; rather, it probably would be preaching to the choir, in that only those whose viewpoints align with mine would listen, and the rest of the members of the General Assembly would continue to do nothing.

{¶13} That said, I regret that I must nevertheless write. Even though it seems that everything that can be said in this case has already been said, there is a need to send an additional message to the citizens of Ohio and to respond to the Chief Justice's critical dissenting opinion. The Chief Justice appears to be sending his own strong message to the General Assembly that there is no need to do anything further in Ohio to provide each child an adequate education, beyond the trivial face-saving changes he proposes.

{¶14} To that end, the Chief Justice ignores the deficiencies in the legislative response thus far and, as did his majority opinion in DeRolph III, seems to believe that a half-fought battle is equivalent to a resounding victory as long as this court is no longer involved in this case. As one who has also been immersed in this case for a number of years, and as the author of the majority opinion in DeRolph II, I emphatically disagree with the Chief Justice's view of the legislative initiatives enacted in response to the pronouncements of this court.

{¶15} The Chief Justice bemoans the fact that further litigation may be inevitable in light of the decision today, calling that possibility an "unfortunate eventuality." Infra at ¶ 35 (Moyer, C.J., dissenting). However, what the Chief Justice's imperceptive view ignores is that as long as the General Assembly does not definitively fix the school-funding problem, which is its task alone, or at least make a realistic effort to do so, further litigation will be inevitable as a matter of course, since the court is the only body that definitively determines the constitutionality of laws.

{¶16} In the normal case, when this court finds a particular statute or series of statutes unconstitutional, there is no thought given to retaining jurisdiction, because we assume that our constitutional adjudication will be respected and that if the General Assembly decides to reenact similar legislation, it will take the necessary steps to transform what has been determined to be unconstitutional into something that complies with our Constitution. But as history shows, the General Assembly has never mounted a concerted effort to fix the school-funding crisis and, given the tenor of the Chief Justice's dissent, will not be expected to put forth a good-faith effort to do so in the future. Given that state of affairs, it does seem likely that further litigation will be forthcoming in the area of school funding, even though it apparently will be under a name other than DeRolph. However, while the Chief Justice sees this situation as "unfortunate," I view it as inevitable precisely because so long as the system remains unconstitutional, our students' interests can be furthered only by continuing to press for the reformation of the system.

{¶17} As I and other members of this court have repeatedly stated, until a complete systematic overhaul of

the system is accomplished, it will continue to be far from thorough and efficient and will continue to shortchange our students. The overreliance on local property taxes is the fatal flaw that until rectified will stand in the way of constitutional compliance. One thing the now-vacated majority opinion in DeRolph III, along with the various accompanying opinions, served to illustrate is that the system we have reviewed simply falls far short of satisfying the requirements of our Constitution. Today's result drives home that point, albeit belatedly.

{¶18} The Chief Justice disingenuously tries to blunt the force of this court's decisions in DeRolph I and DeRolph II by focusing only on the syllabus paragraphs of those two decisions and ignoring the full content and import of what this court actually said. He labels everything beyond the syllabus paragraphs in those two decisions "dicta," and thereby downplays the clear requirement voiced by the majority opinions in those two cases that our school-funding system will never be truly thorough and efficient until a complete systematic overhaul of the system is accomplished. As the majority states, " 'a complete systematic overhaul' of the school-funding system" surely was the "core constitutional directive of DeRolph I" and also was a very large part of DeRolph II. Supra at ¶ 5.

{¶19} Of course, the Chief Justice was not in the majority in those two decisions, and his effort to recast this court's holdings into something more to his liking rings hollow. The Chief Justice's majority opinion in DeRolph III featured this same transparent ploy to justify his implausible view that a system that he had approved in his dissents in both DeRolph I and DeRolph II had somehow become unconstitutional in his eyes in DeRolph III (even though more improvements to the system had been made since DeRolph II), unless the further changes ordered by the DeRolph III majority were accomplished.

{¶20} In trying to recast the opinions in DeRolph I and DeRolph II into something that he can agree with, the Chief Justice attempts to pass off his own distorted vision of this case as if it were perfectly logical and well reasoned. In my view, today's decision, by vacating the majority opinion in DeRolph III, gives a fitting burial to an initiative of this court that was ill advised from the start.

{¶21} It becomes obvious that the only practical solution to the dilemma posed by this case lies with the citizens of Ohio. The voters of Ohio have the power to pass a constitutional amendment to the Thorough and Efficient Clause, Section 2, Article VI of the Ohio Constitution, which for all time will require an adequate amount of funding to be spent on every Ohio student regardless of where in the state that child resides. A constitutional amendment is necessary to remedy the General Assembly's failure to perform its responsibilities.

{¶22} One possibility for amending the Thorough and Efficient Clause would be to adopt a requirement of a specific dollar amount of spending for each pupil and a formula for arriving at that number that would ensure that each district has sufficient funds to operate effectively year after year. In that scenario, it would be necessary to include a provision for adjusting the specific dollar amount, to keep pace with inflation and with any other changes in costs that may occur. In this way, if the per-pupil spending is established at an adequate level, overreliance on local property taxes will be eliminated. The state will thereby be required to fund the system at a level that complies with the specific constitutional mandate.

{¶23} I do not lightly advocate amendments to our state's Constitution, which already seems to be more detailed in many areas than it should be. However, in the school-funding area, the stakes are sufficiently high that I do not hesitate to make an exception in view of the General Assembly's reluctance to act. Our education system is the backbone of our democracy and the future of our state. We must give each student a realistic opportunity to succeed, and our current funding system does not do so. This continuing untenable situation has been allowed to endure for far too long, and far too many students have been shortchanged.

{¶24} A majority of this court now corrects a situation that was created simply by a desire for an expedient resolution of this case. Because the current school-funding legislation falls well short of satisfying the requirements of our Constitution, I concur in today's decision and strongly encourage the citizens of Ohio to pursue a constitutional amendment that the General Assembly will not be able to ignore.

Source:
http://www.supremecourt.ohio.gov/rod/docs/pdf/0/20..

Supporting Question 3

Featured Source B	2014 Judicial Elections Survey (U. of Akron)

The 2014 Ohio Judicial Elections Survey

Ray C. Bliss Institute of Applied Politics
University of Akron

Executive Summary

The 2014 Ohio Judicial Elections Survey offers new findings on the participation and attitudes toward judicial elections among Ohio registered voters. One-half of the respondents say they vote less frequently for judges compared to other offices ("drop off" in the vote for judges). A major cause of this pattern is a lack of information about judicial candidates and the court system in general. Ohio registered voters have mixed feelings toward judicial elections, but a positive view of the job performance of the courts.

Key findings include:

- Three-fifths of registered voters say that the most common reason they don't vote for judges is a lack of knowledge about the candidate.
- Three-fifths of registered voters say that they frequently lack information to make good decisions in judicial elections.
- Radio and television news, newspaper stories and bar association ratings are the most important sources of information registered voters use in judicial elections.
- A candidate's professional background and views on crime are the most important kinds of information registered voters want to know about judicial candidates.
- Two-fifths of registered voters say a non-partisan voter guide would be "very helpful" and another two-fifths say it would be "somewhat helpful" in judicial elections.
- One-fifth of registered voters say they are "very familiar" and three-fifths say they are "somewhat familiar" with the court system in Ohio.
- One-half of registered voters say that due to problems with judicial elections, unqualified candidates are likely to be elected.
- Three-fifths of registered voters are willing to consider alternative ways of selecting judges.
- Two-fifths of registered voters say the Ohio judiciary is doing an "excellent" or "good" job, and another two-fifths say the court's job performance is "fair."

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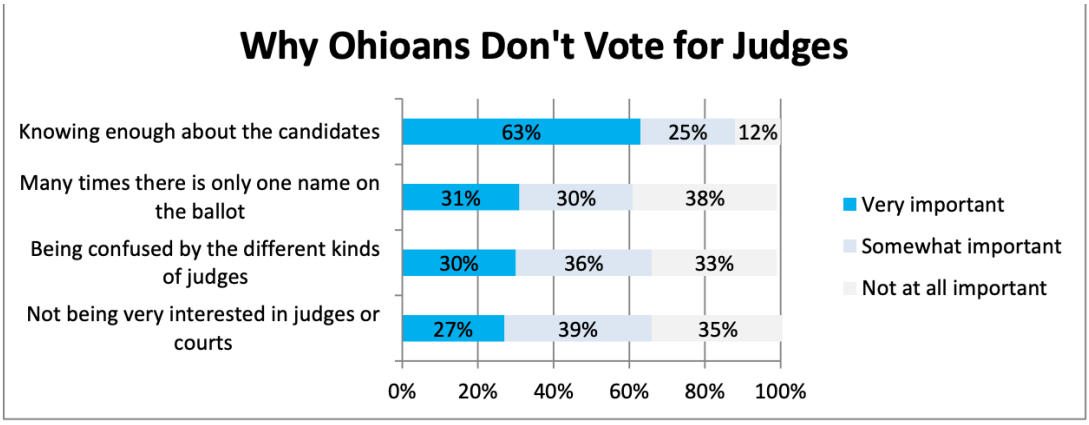

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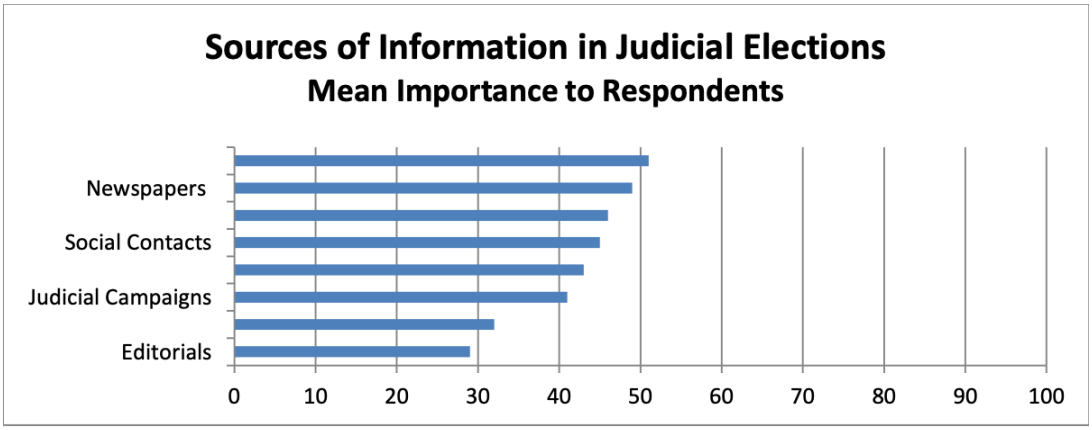

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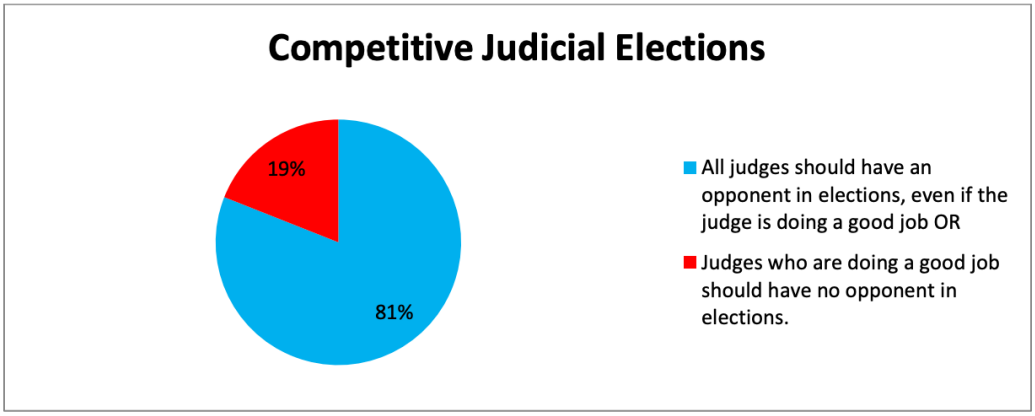
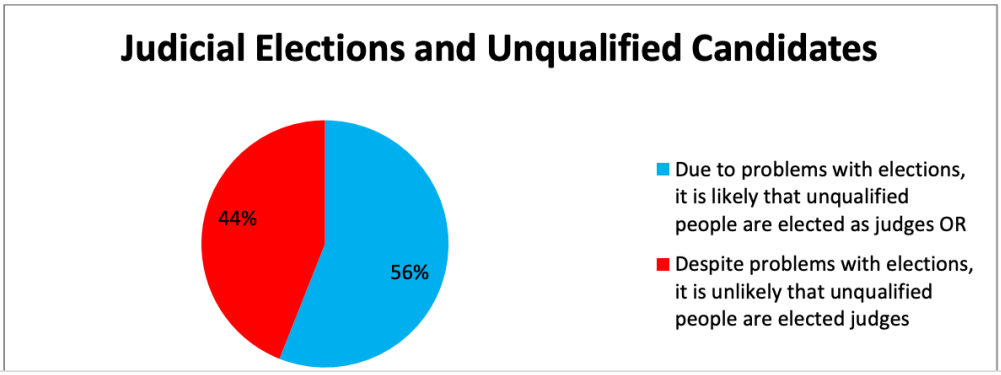
Views of Judicial Elections

Ohio registered voters have mixed attitudes on judicial elections. On the one hand, four-fifths (81%) of registered voters believe that judges should face an opponent at the ballot box, even if the judge is "doing a good job" (19% disagree).



On the other hand, a majority (56%) of registered voters also agree that "due to problems with elections, it is likely that unqualified people are elected as judge."



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Supporting Question 3

Featured Source C	Editorial: Spruce Up the Outdated Ohio Constitution

Excerpt

Editorial: Spruce up the outdated Ohio Constitution

Posted Sep 1, 2020 at 6:00 AM

This editorial represents the opinion of the Dispatch editorial board, which includes the editor, editorial page editor, editorial writers and two community representatives. Editorials, like opinion columns, represent a particular viewpoint and are not to be confused with news stories.

Ohio's state legislative leaders are looking for good-government initiatives.

In the wake of massive scandal, new House Speaker Bob Cupp and Senate President Larry Obhof understand the timeliness of initiatives that speak to the common good.

In assessing a state's overall health status, nothing is as important as the shape of its foundation document. Nothing is as basic as having a modern, respected and workable state constitution.

Ohio doesn't have one. The Ohio Constitution, at 169 years old, is the nation's sixth oldest. Little surprise it's full of archaic, obsolete and offensive constructions.

In 2011, then-Speaker William G. Batchelder recognized the problem. A former judge and constitutional scholar, he sponsored legislation to create a 32-member bipartisan commission to study the Ohio Constitution and recommend updates.

The commission was authorized to work until July 2021. Unfortunately, in 2017 then-Senate President Keith Faber (now state auditor) slipped a poison pill into the state budget bill to kill the commission. His motivation, whatever it was, was not grounded in high principle.

In the absence of a state constitutional convention, the last of which was held in 1912, and with the unlikely prospect of another, there's no substitute for a periodic commission to examine the constitution and recommend updates.

Fortunately, during its existence from 2011 to 2017, the latest commission identified several deficiencies and proposed amendments to remedy them. Those proposals, still sitting on the shelf, should be taken up and put before the General Assembly so they can be forwarded to Ohio voters.

Cupp and Obhof are familiar with the proposals because both were active and influential members of the constitutional modernization commission.

The proposed amendments aren't sexy. They won't energize voters. But if a state's leaders can't muster the effort for a constitutional tune-up at least once each generation (following the advice of none other than Thomas Jefferson), they indict themselves for dereliction.

It's important to note that, even though Faber killed the commission, its research and debate prior to the poisoning paved the way for the successful 2015 vote on state apportionment reform and the successful 2018 vote on congressional redistricting reform.

Among the commission's good-sense proposals:

- Eliminate an 1851 provision for courts of conciliation for resolution of disputes outside the traditional legal process. They've never been used, long ago made meaningless by modern arbitration proceedings.
- Eliminate an 1875 section creating the Supreme Court Commission to relieve backlogs of cases. Unused since 1885, it has no function.

- Repeal sections authorizing the issuance of debt and creating bonding authority for programs completed long ago, for which bonding authority is exhausted and for which debt was completely repaid. Examples include the World War II compensation fund and the Korean War bonus fund.
- Repeal provisions dealing with the Sinking Fund Commission, whose responsibilities long ago were taken over by the state treasurer.
- Eliminate sexist, gender-inappropriate language from dozens of sections of the constitution, relics of decades before women had the right to vote.
- Eliminate language denying the "privileges of an elector" to "idiots or insane persons," as well as references to the "blind and deaf and dumb."

Some of the recommendations would remove language that long ago became unconstitutional under the U.S. Constitution — a fact that should embarrass even a freshman state legislator.

The Ohio Constitution is too important to be covered in cobwebs.

Source:
"Editorial: Spruce Up the Outdated Ohio Constitution," *Columbus Dispatch*, 9/1/2020

Supporting Question 3	
Featured Source D	"Ohio's voter registration purge targeted thousands in error. Now, a call for change."

Excerpt

A week before Election Day 2016, Bill Gedraitis drove into town to cast an early vote that helped propel Donald Trump to the presidency.

A little more than two years later, Gedraitis' name disappeared from the rolls, a victim of the state's 2019 voter purges that removed more than 460,000 registrations, many of them for inactivity.

But Gedraitis wasn't an inactive voter. His name was among thousands erroneously targeted for removal last year under a fractured system in which each of Ohio's 88 county boards of elections handles its own voter-registration records. It's a system that the state's elections chief called "antiquated and inefficient."

"The system we have in place right now is prone to error — human error, vendor error," LaRose said. "It's unacceptably messy."

Source:
Find full article at https://www.usatoday.com/in-depth/news/investigati..

Summative Performance Task	
Compelling Question	**Do constitutional amendments make governments better?**
Argument	In a four-minute presentation, using supporting evidence, a panel of 3-5 students will answer as a group whether constitutional amendments make governments better. After the four-minute presentation, students will then answer follow up questions for six minutes from a panel of judges that will further inquire into the students' knowledge and comprehension on this topic.
Extension	Create an infographic or similar visual media (e.g. Public Service Announcement, explainer video, etc.) that would explain to a lay person the ways in which constitutional amendments do or don't make for a better government.

Argument

This argument task takes the form of the authentic assessment that is embedded in the We the People National Program. The students play the role of experts testifying before a panel of legislators. The task should be completed by the students in groups of 3-5, so that the students learn collaborative problem solving and the process of incorporating colleagues' ideas into their own work.

Extension

Students will create, via a visual medium, an explanation for the ways in which constitutional amendments do or do not make for a better government.

Taking Informed Action	
Understand	Students will achieve understanding through the formative and summative tasks described above. No further information is needed to complete the informed action task.
Assess	Refer back to the list of present-day challenges facing Ohio. Determine whether any of these challenges could/should be addressed via a constitutional amendment.
Action	Write an opinion piece for the local newspaper advocating for or against a new constitutional convention to address the issues you identify as important (if any).

Students are tasked with considering whether any of Ohio's present-day challenges should be addressed via a constitutional amendment and writing a letter to the editor making the argument for or against a new constitutional convention.

Appendices

- [Ohio Constitution Question IDM 2020-2021.pdf](https://s3.amazonaws.com/idm-generator/u/6/a/1/3/10834/6a132e9b557456b228995bd90b757fcd9990ecbb.pdf)

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