

PATRICK FARRELL TIMMINS, JR.
ATTORNEY AT LAW
3435 ROLLING HILLS LANE
GROVE CITY, OHIO 43123-9098

TELEPHONE: (614) 853-1047

TELEFAX: (614) 853-1048

September 3, 2003

William W. Wilkins, Chair
James G. Hyre, Vice Chair
Theodore L. Adams, Member
John M. Brandt, Member
Eric L. Burkland, Member
Barbara Byrd-Bennett, Member
Charles E. Calvert, Member
Walter J. Davis, Member
Paolo A. DeMaria, Member
Matthew V. Filipic, Member
Robert A. Gardner, Member
Charles A. Gossett, Member
Christine Hansen, Member
Russell L. Harris, Member
William J. Hartnett, Member
James M. Hoops, Member
Jeffrey Maxwell Jacobson, Member
Thomas W. Johnson, Member
David Locke, Member
Richard Maxwell, Member
James W. Mahoney, Member
Thomas J. Mooney, Member
Daniel J. Navin, Member
Carolyn J. Prentiss, Member
Barbara Shaner, Member
Jennifer L. Sheets, Member
Barbara Sprague, Member
Richard A. Stoff, Member
David A. Varda, Member
Scott Williams, Member
Dennis C. Woods, Member
Thomas M. Zaino, Member
Susan Tave Zelman, Member
Blue Ribbon Task Force on Financing Student Success

Dear Blue Ribbon Task Force Members:

As an interested citizen, I attended some of your first two public sessions. During those sessions, one of your members, Jeffrey Maxwell Jacobson, made statements that I found disquieting. I am of the opinion that all of you must constantly remember that Jeffrey Maxwell Jacobson is, and has been, a member of our Ohio legislature which has “flunked” its “proficiency test” at the Ohio Supreme Court for five consecutive times since March of 1997 in the *State v. DeRolph* and *State ex rel. State v. Lewis* cases [*DeRolph*].

The Ohio delegate-framers adopted our Ohio Constitution’s present Article VI, Section 2 in Cincinnati on March 10, 1851, during its second session of its constitutional convention, which educational provision states that “[t]he 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; ...” [bold type added]

Looking at the intention of the Ohio delegate-framers and the language used by them for Article VI, Section 2, “**secure**,” “**thorough**” and “**efficient**” were defined as follows during the period of 1851 in Volume I and Volume II in An American Dictionary Of The English Language, published in 1828, by Noah Webster, LL.D.:

The verb “**secure**:” “To make certain; to put beyond hazard. Liberty and fixed laws *secure* to every citizen due protection of person and property. The first duty and the highest interest of person is to *secure* the favor of God by repentance and faith, and thus to *secure* to themselves future felicity.”

The adjective “**thorough**:” “Literally, passing through or to the end; hence, complete; perfect; as a *thorough* reformation; a *thorough* translator; a *thorough* poet.”

The adjective “**efficient**:” “Causing effects; producing; that causes any thing to be what it is. The *efficient* cause is that which produces; the final cause is that for which it is produced.”

I am enclosing for your careful review and study a copy of my amicus brief on behalf of the Coalition of Rural and Appalachian Schools [CORAS] that I filed on June 18, 2001, at the Ohio Supreme Court in *DeRolph*. Each of you will note that CORAS’ amicus brief discusses the Standards of Opportunity as the prudent basis for determining the Ohio constitutional funding of Ohio’s required “... thorough and efficient ...” system of K-12 public schools.

As I mentioned in the enclosed amicus brief of CORAS, these Standards of Opportunity shall afford Ohio's 1.8 million K-12 public school children all of the necessary educational resources at defined levels, which shall be the engine that "drives" the mandated constitutional funding required by our Ohio legislative and executive branches of government. CORAS submits that *DeRolph* places the burden upon you to ultimately determine an Ohio K-12 public school funding system that is constitutional, not what is "practical," "realistic" or may be acceptable to some of Ohio's legislators, as stated by some of you during your first two sessions.

I wish you the very best in your awesome, challenging and vital endeavor. I close with a quote from Horace Mann's Tenth Annual Report of the Board of Education Together With the Annual Report of the Secretary of Education, which he made in 1847.

The will of God, as conspicuously manifested in the order of nature, and the relations which he has established among [women/]men, places the *right* of every child that is born into the world to such a degree of education as will enable [her/]him, and, as far as possible, will predispose [her/]him, to perform all domestic, social, civil and moral duties, upon the same clear ground of natural law and equity, as it places a child's *right*, upon [her/]his first coming into the world, to distend [her/]his lungs with a portion of the common air, or to open [her/]his eyes to the common light, or to receive that shelter, protection and nourishment which are necessary to the continuance of [her/]his bodily existence. And so far is it from being a wrong or a hardship, to demand of the possessors of property their respective shares for the prosecution of this divinely-ordained work, that they themselves are guilty of the most far-reaching injustice, who seek to resist or to evade the contribution. The complainers are the wrongdoers. The cry "Stop thief," comes from the thief himself.

Sincerely yours,


Patrick F. Timmins, Jr.

cc: Paul D. Marshall, Executive Director
Blue Ribbon Task Force on Financing
Student Success

Richard J. Fisher, Executive Director
Coalition of Rural and Appalachian
Schools

Robert A. Taft, Governor
State of Ohio

William L. Phillis, Executive Director
Ohio Coalition for Equity and
Adequacy of School Funding

Blue Ribbon Task Force on Financing Student Success
September 3, 2003
Page 4

Marion Douglas White, President
Ohio Senate

Gregory L. DiDonato, Minority Leader
Ohio Senate

Larry L. Householder, Speaker
Ohio House of Representatives

Christopher R. Redfern, Minority Leader
Ohio House of Representatives