

*Ohio House Government Accountability & Oversight Committee*

*Testimony of Melanie Elsey ~ HB512*

*March 7, 2018*

Chairman Blessing, Vice Chair Reineke, Ranking Member Clyde, and members of the House Government Accountability & Oversight Committee, thank you for the opportunity to provide testimony in opposition to HB512. My name is Melanie Elsey. I serve as the Legislative Director for the American Policy Roundtable (Strongsville, OH) and also as the Legislative Liaison for Christian Home Educators of Ohio. As you are aware, this legislation is intended create the Ohio Department of Learning and Achievement, which (p. 313) “shall have all powers and perform all duties formerly vested in and imposed upon the Department of Education, the Department of Higher Education, the Superintendent of Public Instruction, the State Board of Education, the Ohio Board of Regents, and the Chancellor of Higher Education...” (except for a very limited list of administrative functions for the Ohio Department of Education, Superintendent of Public Instruction, and State Board of Education).

This new agency is enormous in terms of its scope and power, as it is described throughout the bill’s 2,430 pages. In fact, there are several sections that provide unlimited scope of authority for the appointed director and unlimited size of the agency, itself. (e.g. RC 3301.07(D)(2) p. 316; 3301.07(R) pp. 321-322; 3301.0714(A) p. 377; 3301.079 pp. 328-340; 3301.0710 pp. 340-344; 3301.0712 pp. 365-374; 3313.902(A)(1) p. 937; 3319.111(A)(2) p. 1367; 3319.112(A) p. 1372)

The most egregious change in state policy is the transfer of authority from our State Board of Education to one person appointed by whomever the governor may be. In contrast to what proponents have described, this does not mirror any other executive branch agency for the following reasons:

1. No other executive branch agency was established in the Ohio Constitution with the intent to be an extension of the legislative branch of state government.
2. No other state agency simultaneously affects every Ohio family of school-age children in a compulsory system of state policy.

While the Ohio Constitution mandates that the General Assembly prescribe the powers and duties of the State Board of Education, it is inconceivable that Ohio voters in 1953 intended for the General Assembly to strip the board of every single responsibility related to the delivery of education in Ohio. That is simply not logical.

Proponents of HB512 have described the governance structure for education in Ohio as fractured, broken, chaotic and hampered by competing priorities / political agendas. I began attending the State Board of Education meetings in 1992. For 20 years I didn’t miss a meeting of committees or the full board. In recent years other responsibilities have caused my attendance to be less frequent, but I have kept up with the work through online resources. Please permit me to share what I have observed over the years....

1. In the early ‘90’s the board was fully elected, focused, and non-contentious. Discussions were robust but respectful. The ODE was an administrative extension to assist the board in completing its work.
2. In the mid-‘90’s state policy changed course to an outcomes-driven model and our system began to erode. The policy change was initiated by the General Assembly. The board was obligated under law to conform.
3. Also in the mid-90’s the structure of the board was amended to add 8 members appointed by the governor to the 11 elected members. This is when political agendas began to affect the tenor and scope of board deliberations. It would be no different if our Constitution would be amended to require the Governor to appoint 8 voting members to this legislative committee. What would that do to the conduct of business? If the majority party gained 8 additional voting members, the minority party would never

have a hope of accomplishing anything. If the minority party gained 8 additional voting members, the majority party would become the minority. Either way there would be political tensions.

Literally all of the shortcomings in education policy we see today – lowering of performance standards, teaching to the test, even what the ODE once publicly described as “Ohio’s middle school literacy crisis”, high percentage of students needing remediation upon entry to colleges / universities, an incredibly complex point system for graduation requirements, etc. – are the result of outcome-based policies placed in statute by our legislators.

Some of us remember the time when teachers creatively met the academic needs of students, students periodically took norm-referenced assessments (i.e. Iowa Test of Basic Skills, California Achievement Test) without spending the majority of the year’s instructional time teaching to the test, and students learned in environments that were much less scripted and less stressful – and they learned well.

It was a simple, but effective system that respected the separation of roles between the state executive department and local school districts. In 1993 there was a substantial shift in state policy. The State of Ohio shifted from using assessments to measure *how well* students had learned basic academic content to determining *if they had learned a predetermined list* of content. With the passage of HB152 the State of Ohio moved to an outcome-based system and replaced the use of standardized norm-referenced assessments with standardized criterion-referenced state proficiency tests.

The State Board of Education began deliberating whether to set the bar for “proficiency” high or low. Ohio’s State Superintendent Dr. Ted Sanders, made the following statement in response to a proposal offered by board member Virgil Brown:

***If we are forced in the future, in the developmental work to make sure that we have percentage scores that are at and/or above a 70% level, means we will have to reframe the whole approach that we use in test development, and to make sure that we have sufficient items that are of lower difficulty***, which will make our tests less informative as a diagnostic tool than what this test now will be.”

Sadly, over the years the bar was placed even lower. (e.g. 35% proficient for 6<sup>th</sup> grade reading, 32% for 7<sup>th</sup> grade math)

With the passage of HB1 (state budget) in 2009, the system became more complex. We moved from the use of criterion-referenced assessments in broad content areas to mandating the use of a series of state approved end-of-course exams. This led to the development of an odd point system to determine if individual students would be college or career ready.

**HB512 only changes the people at the table. It does absolutely nothing to address the root causes of the problems with the system.**

The term of the ODLA director in HB512 will be the same as the term of the governor. This means every four to eight years the focus and direction of its broad scope of power can change, which is not conducive to stability. Ohio has populations of students, whose education is governed only in the Administrative Code – 08 students and home educated students. It will be a disservice to each and every one of these students to place their fate every term in the hands of a different bureaucratic director. The rules for these students have been in place and stable for more than three decades. HB512 eliminates this stability.

We believe Ohio’s students and their families will be better served if there is a genuine change to the system instead of creating a structure that is less accessible to families and less accountable to the public. Thank you for your consideration of these important concepts. I would be glad to answer any questions you may have.