

The Ohio Coalition for

Equity & Adequacy

Of School Funding

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Testimony in opposition to HB 512

By

William L. Phillis, Executive Director

Ohio Coalition for Equity & Adequacy of School Funding
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Chairman Blessing, Vice Chairman Reineke and Ranking Member Clyde, my name is William L. Phillis, Executive Director of the Ohio Coalition for Equity & Adequacy of School Funding. I signed my first teaching contract 60 years ago in April. Since that time, I have served as a teacher, principal, superintendent, assistant superintendent of public instruction, adjunct professor and executive director of the Coalition. Hence, my tenure in public education started soon after the State Board was established. I was a student teacher the fall quarter of 1956. The State Board of Education held its first meeting in January of 1956.

I appreciate the opportunity to express opposition-serious opposition- to the proposal to include the Ohio Department of Education (ODE) in the proposed new agency. What is proposed for the Department of Higher Education and the Governor's Office of Workforce Development is not of my concern. Those functions are under the Governor's control and thus he can organize them any way he wishes. By contrast, the state board of education is a constitutional matter.

Earlier this year a Columbus Dispatch commentary relative to this matter by a former governor's office staffer signaled to me that the governor would be lobbying to put ODE under the governor's control.

Supporters of this legislation should seriously and objectively consider whether this substantial policy issue is about expanding the governor's authority over public education or about improving educational opportunities and outcomes. Is there any substantial evidence that educational opportunities and student outcomes will improve? Or is it predicated on a mere hunch or faith that governors are better postured and more capable in education matters than a body of citizens elected to the state board of education?

Public education should not be viewed as a partisan matter. All political parties, individually and collectively, should endorse and support good education policies on a non-partisan basis. That is why local school board members are elected on a non-partisan basis. That is why Ohioans adopted the 1953 Constitutional amendment to establish a state board of education and a superintendent of public instruction to be selected and employed by the board. That is why the legislature, after the 1953 amendment, provided for an all-elected state board of education, one member from each congressional district.

Previous to the 1953 amendment, the superintendent of public instruction was a cabinet position in the governor's office. The office of the superintendent of public instruction was established by a 1912 constitutional amendment and became a department within the governor's office by legislative enactment.

From 1853 until 1912 elected state commissioners of common schools provided leadership for public education. Prior to 1853, with the exception of the three-year period of 1837 to 1840, the secretary of state performed some duties regarding the state's role in public education.

The legislature employed Samuel Lewis as Superintendent of Common Schools in 1837. When Lewis resigned in 1840, the office of superintendent was eliminated and public education matters devolved to the secretary of state.

The all-elected state board of education, beginning in 1956, in concert with the superintendent of public instruction and department of education staff provided exemplary leadership and support for public schools in an amicable, non-partisan environment. This arrangement continued until the mid-1990s when Governor Voinovich lobbied for and gained legislative approval to add eight appointees to the state board. At that juncture, ODE took on a partisan character. The previous positive relationship between the state agency for education and the local education community deteriorated. The state agency diminished its support for the local education community while carrying out the wishes of the governor and majority partisans in the legislature.

Only a few state officials, ODE professionals or school district personnel have experienced the difference between the operations of the state board/ODE before and after the advent of the legislation to appoint part of the board members. Those whose experience spans both eras realize the stark contrast.

Public K12 elected boards of education at all levels represent the fourth branch of government. This structure-education governance via elected boards of education at the local level was established right out of the starting gate. The Land Ordinance of 1785 established the 16th section of each township to be set aside for the support of public education. Governance for public schools was placed in the hands of non-partisan boards of education. That model was uncompromised in Ohio until the advent of mayoral control of Cleveland Schools, charters, vouchers and, of course, HB 70 or the "Youngstown plan."

Each community through its own board of education operates its own public schools. The boards of education cooperate with but are not subservient to other branches of government regarding public education issues.

Each community has a stake in state education policy and should have the opportunity to collaborate with their elected state board members regarding state education policy.

The local model for public education governance is a persuasive model for the state. That is why Ohioans voted for in the 1953 amendment establishing the state board of education and superintendent of public instruction to be selected by the board. That is what the legislature determined when it established an independent state agency for public education.

HB 512 will thwart the 1953 amendment and thus the will of the people.

By what authority does the legislature have the right to undermine the constitutional provision by transferring most of the state education agency functions to the governor's office? The argument that HB 512 leaves the board and superintendent in place with a few assigned duties is a ruse.

If the goal of the consolidation of duties for better coordination, the logical move is to transfer higher education and workforce development to the state board of education. It is a constitutional entity.

Prior to the legislative enactment of the board of regents, the technical colleges were under the state board of education. Career/technical programs for adults were initiated by the state board's vocational education planning districts (joint vocational school districts, career/technical school compacts, career-technical contracts and stand-alone programs.) Hence, the state board of education has been involved in post-secondary programming in the past.

Education policy is not well-served when the leadership of the state education agency has a short tenure. Subjecting the agency to partisan control guarantees short tenure of education leadership. From 1911 to 1956, when the superintendent of public instruction was attached to the governor's office, there were 10 superintendents or an average tenure of 4.5 years. From 1956 to 1991, under an all-elected, independent board, the average tenure of the superintendent was 12 years. Ohio is on its 7th superintendent since 1991 when the governor inserted himself in the process of selecting the superintendent. The average tenure since 1991 has been four years.

It is predictable that the average tenure of the head of the state education agency would be four years or less under the terms of HB 512.

If the legislature is committed to improvement of educational opportunities, higher academic achievement and better workforce development, HB 512 should be dropped in favor of the following recommendations:

- Provide for, by law or constitutional amendment, an all-elected state board of education
- Establish a constitutional system of public education in accordance with the four decisions of the Ohio Supreme Court in the *DeRolph* school funding case. Base school funding on the actual cost of the components of a high quality education for all students

Public education is not a partisan matter. The state's responsibility to secure a thorough and efficient system of common schools transcends party politics. High quality educational opportunities should be the goal of all Ohioans regardless of party affiliation or non-affiliation.