



**Representative Steve Hambley
69th House District**

Chair Blessing, Vice Chair Jones, Ranking Member Robinson, and members of the House Primary and Secondary Education Committee, thank you for permitting my Joint Sponsor, Representative Kent Smith and I to present House Bill 127 to you today. Apparently, HB 127 is one of several proposals that are being put forth by members of the 133rd General Assembly that would repeal portions of House Bill 70 from the 131st General Assembly. Our bill is quite simple and short – it will discontinue the State takeover of school districts that receive an “F” grade on their school report card three years in a row.

These State takeovers are accomplished through a process that creates an Academic Distress Commission (ADC) and the appointment of a chief executive officer for each identified poor performing district. Originally enacted in 2005, Ohio statutes provided for the creation of these commissions and successive General Assemblies have modified the law over the years altering their composition, appointment process, duties and powers. See attached *Legislative History of Academic Distress Commissions* by the Ohio Legislative Service Commission (R-133-0381, February 20, 2019).

The ADC’s under current law are comprised of 5 members – three appointed by the State Superintendent, one teacher appointed by the president of the district board and one member appointed by the mayor of the municipality. The State Superintendent designates a chairperson for the commission, who is responsible for conducting meetings and acts as a liaison between the commission and the CEO. ADC’s under the HB 70 changes made in 2015 gave them more advisory roles in the improvement of the district’s performance, rather than direct leadership role as under prior law. The act required the Commission to appoint a CEO that possesses the authorities of both a Superintendent and Board of Education, with complete operational, managerial, and instructional control of the district.

The salient point is this – the locally elected officials and hence the voters of the district – have only a marginal influence in the conduct and decisions of the ADC’s and CEO of the district. Concurrently, the School District that is under the ADC will still have an elected Board of Education comprised of 5 members, which adds to the confusion of constituents about who is really in charge of the school district. From the perspective of community members and parents these takeovers supplant democracy in favor of a top-down bureaucracy with no direct accountability to the public.

Under current law, each year that an ADC school district fails to improve, the powers of the CEO expands significantly in hopes of improving the academic performance within the school district. By the end of year 4, if the district does not receive an overall grade of at least a “C” or higher, the act requires a process of replacing the previously elected Board of Education with a district board appointed by the Mayor of the municipality. An amazing requirement, given that the elected Board of Education is removed even though they have not been in effective control of the district for several years prior. Because of the Ohio Constitution, the mayoral appointed board must obtain approval by the majority of voters of the district. Regardless, the CEO retains complete operational, managerial and instructional control until such time as the district receives an overall grade of ‘C’ or higher on the state report card. If this seems rather confusing to us legislators, imagine the average voter or parent that is all too often being asked to vote on a levy to fund the operations of the school district.

As my joint sponsor Rep. Kent Smith has aptly presented, East Cleveland is a case study for how the academic distress commission approach in Ohio is actually counter-productive to helping struggling communities improve their local schools. While they did receive “F” grades on their report cards, the district made hard, sweeping changes, and was improving the academic health of the community, before the academic distress commission was imposed. After the implementation of the ADC, the school’s ability to improve was undermined by mass outmigration of teachers and administrators, further compounding the public’s qualms about the district. East Cleveland shows that ADCs are not effective – rather, they multiply and accelerate the factors that have caused a district to fail in the first place.

Over 100 school districts across the country have been taken over by state governments since the late 1980s. One recent study, *Takeover: Race, Education and American Democracy* by Domingo Morel (Oxford University Press, 2018) suggests that these takeovers have a profound effect on democratic governance and

undermine the encouragement of a constructive political culture. Studies of state takeovers that have occurred over the last three decades – qualitatively and quantitatively – demonstrate that the most serious public education problems throughout the nation are focused in our urban centers and disproportionately affect poor, minority students. Summarizing the conclusions of his work, Domingo Morel states, “As this research has shown, in cities like Newark (*New Jersey*) both black political empowerment and Latino political empowerment have been undermined by the absence of black and Latino political empowerment.” (p. 142) I will simply add, if you want the community to work its way back to a better education system for their children, how can you expect them to do that by undermining their own community leaders and cultural resources?

National studies over the last decade have also shown that school districts are unlikely to see much improvement where there is political or administrative turmoil, especially when the changes are led by the state rather than by locally elected leaders such as mayors. Study after study concludes that there are less intrusive, more collaborative and highly effective ways to achieve the successful transformation of low performing schools than the current one adopted by Ohio.¹

I would suggest that one of the best researched and sensible collection of recommendations for reestablishing local control in state operated school districts was completed by Rutgers Institute on Education Law and Policy in 2002. After three decades of experience with state takeovers in New Jersey, lawmakers were desperate for detailed plans that provided meaningful insight into how to re-establish local control. The Institute on Education Law and Policy report provided a useful outline for an effective, measured and responsible approach with due consideration of the districts capacity to resume local control and the State’s role in assuring that improvement in educational outcomes does occur.²

¹ *Governing Urban Schools in the Future: What’s Facing Philadelphia and Pennsylvania* (The Pew Charitable Trusts, 2016); *Do School District Takeovers Work? Assessing the Effectiveness of City and State Takeovers as a School Reform Strategy* by Kenneth K. Wong and Francis X. Shen, National Association of State Boards of Education (Spring 2002); *State Takeovers of Low-Performing Schools: A Record of Academic Failure, Financial Mismanagement & Student Harm* by Aditi Sen, Center for Popular Democracy (February, 2016).

² *Developing a Plan for Reestablishing Local Control in the State-Operated School Districts: A Final Report Submitted to the New Jersey Department of Education* by Institute on Education Law and Policy (2002)

Those that favor a single bill which “repeals and replaces” the Academic Distress Commissions created under HB 70 have a rather arduous, and I fear problematic task before them. A quick review of the three School Districts currently under the control of ADC’s and appointed CEO’s reveals that each have their own stories and histories of how they arrived where they are in trying to improve the quality of education in their communities and in implementing their respective education improvement plans. I would suggest that a simple formulaic remedy to untangle these ADC’s is fraught with the same perils that the original HB 70 imposed on these struggling districts. While uniform standards and benchmarks have to be established, the process of restoring local control and undoing the damage of HB 70 should provide some reasonable flexibility. These three communities have faced varied circumstances and challenges and the law needs to provide for a process that helps the community build the capacity to govern and operate the district without state control.

Enacted in the last General Assembly, Am Sub SB 216 requires the state Superintendent to review all policies and procedures regarding academic distress commissions and issue a report to the General Assembly by May 1, 2019. No doubt, the General Assembly will take some time and care to dutifully evaluate that report and make relevant changes to the current law that mandates the state led takeover by ODE of these academically challenged districts. Good legislation takes time, due process, careful consideration, as well as input from all interested stakeholders. These are all of the characteristics that were missing in the final version of HB 70, which we are seeking to repeal. For this reason, we are arguing to take consideration of HB127 in congruence with repeal-and-replace proposals, as a first-step of sorts. After all, a plumber does not fix a leaky pipe without first shutting the valve supplying the water.

As my colleague, Representative Smith has elaborated, there are ten districts in the State at high risk of being summarily forced to turn over control to an Academic Distress Commission and appointed Chief Executive Officer. From our viewpoint, any legislation implementing changes in state policy, programs or resources to address the problem of academic distress for these districts as a superior alternative to state takeover will take time. Consequently, the fear of political and administrative turmoil evident in the Youngstown, Lorain and East Cleveland state takeovers needs to be avoided within these high-risk districts by an immediate and decisive cessation of state takeovers.

Thank you for your time. We would be happy to answer any questions the Committee might have.