

February 7, 2019



The Honorable Mike DeWine  
Governor of Ohio  
Riffe Center, 30<sup>th</sup> Floor  
77 South High Street  
Columbus, OH 43215-6117

Dear Governor DeWine:

My name is Henry T. Patterson, Jr. and I had the privilege of serving as the Vice-Chair of the Lorain City Schools Academic Distress Commission (ADC) from March of 2013 until February of 2017. In that capacity, I was able to develop a unique understanding of the inner workings of the Lorain City Schools while serving in an oversight capacity prior to the state's adoption of HB 70.

I was very proud of what the Lorain ADC accomplished during our four years and really believe that we were on the right path when state law forced us to disband. While we had significant powers, we were very deliberate in trying to address the academic emergency in the Lorain City Schools and did so under the advice and guidance of the Ohio Department of Education (ODE). While the change was not as fast or as successful as we would have liked, I believe that we adopted many of the initiatives or best practices offered by the ODE staff and were, at one time, seen as a model for change in Ohio.

While we were always guided by the best interests of Lorain students, there is a practical reality of making meaningful and lasting change in education. Early on, we recognized that we were seen as an outside entity whose very job was to be critical of all the things that the district was doing wrong! The students, parents, teachers, administrators, staff and school board all looked at our ADC with mixed amounts of uncertainty, contempt, fear and anxiety of what we might do. Though we did not always agree and often addressed difficult realities of education in Lorain head-on, our ADC was able to maintain a strong working relationship with all of these primary stakeholders over the course of our four years.

While the Lorain ADC had some successes and a working relationship with its stakeholders, the situation with the Youngstown ADC was contentious from the beginning. Consequently, we heard rumors that legislation was being drafted in 2015 that would initially only apply to Youngstown. However, we were surprised to learn that HB 70 was passed without much debate and would apply to Lorain and every school that fell into academic emergency in Ohio! To add insult to injury, the state changed its grading measure three times, every school but Lorain and Youngstown were given three years of safe harbor as a result of the change in testing, and the former state superintendent retired.

Unfortunately, the hasty passage of HB 70, which made significant changes to ORC 3302.10, has made a challenging situation worse and has not yet resulted in the gains that were the initial goals of the law. At a minimum, I can tell you from personal experience that this law was made without any consultation with from the two ADC's in place (Lorain and Youngstown), local

stakeholders in Lorain or Youngstown, teachers, administrators, and no meaningful debate among the legislature in Ohio. The only reason I point this out is because I believe this well-intentioned law has deficiencies as a result of this lack of full vetting by the legislature and those above listed stakeholders.

To point out a few deficiencies of the current law: 1) The ADC is not required to have regular public meetings (the Lorain ADC only meets four times per year!); 2) The ADC is not required to conduct an annual evaluation of the CEO; 3) The ADC's only power over the CEO is the threat of termination 3302.10(B)(1)(c) – Consequently, the ADC has no soft means of compelling actions of the CEO; 4) The ADC is not required to regularly engage with the public or School Board; 5) The ODE is not required to conduct an annual evaluation of a school district in academic distress; 6) The ODE is not required to return state assessments to schools in Academic Distress prior to the rest of the state so that they can determine if reform efforts are effective and plan accordingly; 7) The law's strict adherence to its timeline results in the first year being wasted because it can't effectively be implemented for a school year that has already started; 8) there is no requirement that a member of the distress commission have a student currently attending the school district in academic distress; 9) there is no requirement that the ADC members have substantive board, education, financial, legal or leadership experience or ongoing training/professional development commensurate with their important oversight role; 10) Unlike school board members, ADC members are not compensated for their time; 11) there is no requirement that an annual audit of school funds be performed by the State Auditor; and 12) there is no mechanism that increases the likelihood that the interests of the students, taxpayers, school board, CEO and ADC are aligned.

Which brings me to the substance of my letter: *I am asking that you immediately convene a commission to review the efficacy of ORC 3302.10 which governs Academic Distress Commissions in Ohio.* I firmly believe that there are serious objective concerns that undermine the laudable goal of helping Ohio schools out of academic emergency. However, the current implementation of HB 70 in both Youngstown and Lorain are not effective models. Objectively, they are black eyes for the state of Ohio and another gut punch to communities that are in economic decline. In Youngstown, it would appear that there has been a challenge keeping the ADC membership at full strength, the CEO's tenure was contentious, and there has not been any meaningful improvement and possibly some level of decline academically. In Lorain things aren't any better as the current Board Chair has resigned the ADC appears disengaged, the CEO is under siege from disgruntled members of the school board and public which has served to undermine his efficacy, academic results have not improved, and the public confidence in the Lorain Schools has continued to decline. All of this is a recipe for further chaos for districts that are already in academic emergency!

I am writing this letter to you because I have a great deal of pride in the City of Lorain and the Lorain City Schools. My wife and I are life-long residents of Lorain who both are proud graduates of the Lorain City Schools. We have both remained active as volunteers in the Lorain Schools and have always supported school levies in Lorain. Moreover, the purpose of this letter is not to bash the current CEO, ADC or School board. I am certain that all of them have honorable intentions and are doing their best for the Lorain City Schools. However, I believe that they are all victims of the poor construction of HB 70.

With this said, I would implore you to take a leadership role in reviewing this Law. Students and communities of school districts under Academic Emergency deserve as much constructive help as is possible to improve their situation. However if the level of dysfunction that is evident in Youngstown and Lorain are any indication of the current state of HB 70, it cannot possibly be in the best interests of Ohio student to leave this law unchanged. Moreover, this is a law that will continue to impact more and more school districts as time goes on. As such, isn't it at least worth convening a commission to look at the efficacy and impact of the law? Please take these comments as non-partisan constructive criticism of this law and my personal commitment to do whatever I can to improve educational opportunities for Ohio children.

Regards,

Henry T. Patterson, Jr., J.D, M.P.A.

cc: The Honorable Larry Householder, Ohio Speaker of the House of Representatives  
The Honorable Lary Obhoff, President of the Ohio Senate  
The Honorable Joe Miller, State Representative 56<sup>th</sup> District  
The Honorable Nathan Manning, Senator 13<sup>th</sup> District  
Paolo DeMaria, Superintendent of Public Instruction  
Laura Kohler, State Board of Education President  
Mark Ballard, President Lorain Board of Education  
Mr. David CEO, Lorain City School District