

**Testimony of Stephen Dyer**  
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**HB 512**

Chairman Blessing, Ranking Member Clyde and members of the Government Oversight and Accountability Committee. I'm honored to be standing before you to discuss this monstrously long, complicated bill.

However, instead of going through each of its provisions, I'd like to step back and ask a simple question that I hope will govern your changes to this bill: How does any of this better prepare kids for the 21<sup>st</sup> Century learning we all profess to want?

### **Higher Ed and Workforce Development**

I am less concerned about this merger. These agencies are already gubernatorial appointments. And the Board of Regents hasn't met in a year, which is inexcusable in my opinion. Anyway, if you want to consolidate them into one agency, I'm not necessarily opposed to it. If this helps express an urgency to better join the two agencies' functions under one, better operating roof, then so be it.

Bottom line: I can see how bringing these two agencies under one roof would make our state's higher education and workforce development systems more in tune with our citizens' need to have better skills, training and education for the 21<sup>st</sup> Century workforce.

### **Ohio State Board of Education**

Now this is the major problem with HB 512 – the elimination of education policymaking and oversight from the Ohio Department and Board of Education. It's sometimes easy to forget that members of the Board (along with appellate court judges) represent more Ohioans than any other non-statewide elected officials.

Yet this bill essentially turns those elected officials into glorified members of the state's Barber Board, overseeing little else other than teacher licensure.

What should kids be learning? Nope.

How should we determine whether schools and districts are effective? Forget it.

Who should keep an eye on taxpayer money being sent to schools? Certainly not the people elected by ... the people.

Which brings me back to my original question: How does eliminating the State Board of Education's authority to have any real say in education policy improve our kids' ability to meet the challenges of the 21<sup>st</sup> Century work environment more effectively?

So far, I've heard no real answers to that question. Let me deal with each of the reasons I *have* heard, though.

**1) No one knows their state board members. So the vote is wasted.**

Imagine how hard you all work to get elected and how much money you spend getting your name out there so people vote for you. And you know what? Maybe 10-15% of the people you represent know who you are. Now imagine trying to get your name out to a district that encompasses 3 state Senate districts? Is it a shock no one knows who these members are? I bet less than 5% of Ohioans can name members of the Ohio Supreme Court. Does that mean we shouldn't elect them? (I've long been a proponent of the Missouri selection process for judges, but I digress) I shudder to think that name recognition should determine the value of an elected official's job.

**2) The State Board doesn't do what the legislature/Governor intends**

Exactly. This is what the voters of Ohio envisioned when they created the elected state board of education in 1953. The board's job is to be in touch with practitioners, experts and those working in the field to actually figure out how to best implement the policies stated in law. I know this is going to come as a shock to all of you, but legislatures sometimes pursue ideological goals that are impractical to implement. Would forcing a bunch of kids to repeat 3<sup>rd</sup> grade or keep going to high school into their 20s prepare kids for the 21<sup>st</sup> Century workforce? Or is that completely impractical, not to mention expensive, punitive and unfair? Is it annoying that the State Board does things policymakers here and in the Governor's office don't want them to do? Sure. But that's Democracy. At its finest. If you really want to prescribe more of the State Board's implementation, then there's a really simple solution: write more prescriptive legislation. But eliminating the mostly elected board's authority to do it by fiat seems an overreach that would rightfully enrage anyone in this room if the roles were reversed.

While I've heard about the board's relaxation of graduation standards as a knock on the board, the board has actually *improved* legislation too. Like when the board saved legislators on House Bill 2. That legislation called for charter school sponsors to be graded equally on three measures – two bureaucratic, “follow the rules” provisions and academics. However, the legislation didn't account for the fact that two As and an F equals a B- average. So you could have sponsors receiving Fs in academics on their rating, but still qualify as “effective” sponsors because the legislation says so. To save the legislature the embarrassment of having highly rated sponsors receiving F academic grades, the state board adopted a rule that says a sponsor can't be labelled “effective” if its academic rating is an F. In that case, the board actually *helped* the legislative intent because I am certain no one in this or the other chamber meant for academically failing sponsors to keep sponsoring charter schools with impunity.

**3) There are too many cooks in the kitchen**

Some have suggested that the Governor, General Assembly and State Board of Education makes things too confusing for practitioners. They can't possibly figure out

what's good for kids because there are too many people to listen to. I just don't buy this. Why? Because governors and legislatures all over the country are in constant conflict over state education policy. The legislatures and governors have different ideas and policies they wish to pursue. Then state departments of education implement them. What, pray tell, is so hard to figure out here? I just don't see it. Practitioners follow the rules as promulgated by the department. If the rules aren't clear, then maybe they have to refer to legislation or something. But local practitioners follow guidance from the department, which is supposed to implement the laws written by the legislators, which should in some way reflect both the GA's and Governor's vision for student learning. I'm sorry, but I just don't see the problem here. Governors of both parties have been frustrated by the department's independence since the independence was mandated by the voters of Ohio. My question is this: So what?

In 2009, when we did House Bill 1, it tackled nearly every possible aspect of education policy, from funding to teacher evaluation to standards. We passed that bill in 3 months. And while I'm proud of that bill (it won national awards, after all), it was impossible for everyone in the Ohio General Assembly to know all they needed to know to make that bill work right. I recognized our limitations on teacher evaluation, for example. So I had put in the bill a provision that assigned the work on teacher evaluation to be done in the Educator Standards Board, under the auspices of the State Board of Education – the state's experts in teacher evaluation. I know we legislators believe we know everything. It's part of our charm. But we really don't. We need people whose lives are dedicated to our kids to work out the details of all our well-meaning ideology. This is what the board is there to do. It needs the authority to be able to tell us in the legislature or the governor's office that your idea may have merit, but it's completely impractical to do, except in this way. We need independence, not subservience at the department.

#### **4) Ohio's education policy is siloed and this breaks those walls**

I agree that we need to remove silos to ensure more efficient delivery of student learning. But I was encouraged to hear last week from the Governor's workforce development folks that these cross-departmental discussions and working groups are already in place. Should there be more of this going on? Sure. Does this require a radical removal of the people's voice in state government? Absolutely not.

#### **The 800-pound gorilla**

I have to address the issue of optics on this bill. HB 512 was dropped not more than a few weeks after the implosion of the Electronic Classroom of Tomorrow – the state's largest virtual school whose founder, Bill Lager, gave lots of money to lots of people in this legislature over the last couple decades. One of the powers HB 512 would eliminate from board authority is the ability to verify charter school attendance and participation – the power that led directly to ECOT's downfall.

As I look at HB 512, I struggle to see how eliminating 80 percent of the department's policymaking and accountability functions ensures Ohio's children are better prepared for the 21<sup>st</sup> Century workforce. What I *do* see is a beautifully elegant way to punish the

department for asking ECOT to verify it was actually educating the kids taxpayers paid them more than \$1 billion to educate since 2000.

Is this bill – at least the board component – really a sophisticated attempt to exact revenge on a state agency on behalf of a powerful political donor? Normally I'd scoff at that. But when the state board in 1991 decided to support the *DeRolph* plaintiffs, Gov. George Voinovich put forward an appointed portion of the board. When the Legislative Office of Education Oversight in the early 2000s started issuing non-partisan reports questioning the efficacy and quality of charter schools, the legislature, out of nowhere, zeroed out the agency as retribution for those reports.

So when the state board once again started taking on powerful charter school interests, am I skeptical? You bet.

I could be wrong, but if it walks like a duck and quacks like a duck, it's probably ECOT's revenge.

### **Training v. Education**

Overall, this is my greatest concern with the policy goals of HB 512 – the continued conflation between training and education. They are not the same thing. Education is the key to Ohio and America's continued economic dominance, not training. What's the difference? Here's my shot at an explanation: Trained people can operate an iPad. Educated people invent something better.

Do we need more and better job training for our kids in this fast-moving 21<sup>st</sup> Century workplace? Absolutely. But the best training is *always* education. Period. Most young people today will change jobs 12 times. Rather than training young people 12 different times to take on those careers, let's educate them once so they have the necessary critical thinking and curiosity skills to undertake the crazy job market with ease.

Here's a real-world example. My father-in-law worked in a Youngstown factory for about 15 years. He was very well-trained at that job. Toward the end, he made really good money. But then the factory closed, moved to Tennessee and my father-in-law was out of a job. He needed re-trained. But he simply couldn't do it, for various reasons. So he ended up in a depression and became disabled.

Meanwhile, I have been trained to do nothing. However, I have been well educated thanks to the taxpayers of Ohio and generosity and support of my family. As a result, I have been able to be a reporter, lawyer, legislator, policy analyst, teacher, not to mention my favorite occupation – father and husband.

Education permits its holder to face life's obstacles, overcome and even change them. We need to ensure more of our students attain college degrees. We are 37<sup>th</sup> among the states in educational attainment based on bachelors degrees. I know college isn't for everyone, but I have spent a lot of time in Massachusetts (my extended family is there)

and they're not smarter than Ohioans. Yet they have nearly double the rate of college-educated folks living there as we do.

The difference is education is highly valued, encouraged, and yes funded in Massachusetts. In Ohio, it is not as much. In order for our kids and economy to compete in this and future centuries, that simply must change.

I'd be happy to answer any questions you may have.