

Honorable Dan Langshaw House Senate Bill 178 Testimony
Ohio House Primary and Secondary Education Committee
December 13, 2022

Chairwoman Manning, Vice Chair Bird, Ranking Member Robinson, and Primary and Secondary Education Committee members. My name is Dan Langshaw, I am a former North Royalton Board of Education Member, a former Cuyahoga Valley Career Center Board Member, an ESL Teacher, and a proud father of two sons Henry and Derek who are in the North Royalton City School District. Thank you for the opportunity to testify today as an interested party to Senate Bill 178.

Over a decade of my life I have been a public education advocate from serving in elected office as a School Board Member to now as a community activist and parent. All of us in this room believe in the importance of educating the children of our great state of Ohio. However, it has been my experience with past lame duck sessions of the General Assembly there are always legislation like Senate Bill 178 that is over 2,000 pages that some lawmakers try to jam through and think no one is watching.

We the people are watching, and **if passed in its' current form Senate Bill 178 will be a great Christmas present for Governor DeWine and future Ohio Governors but will ruin public education for our entire state.**

Proponents of Senate Bill 178 who testified in the Senate spoke of the importance of career technical education. As a former Career Center Board Member I couldn't agree more with them about the need to highlight the great things occurring at career tech centers, the opportunities they provide for students and the partnerships shared with local employers to help fill Ohio's workforce needs. Career technical education is an amazing opportunity for students and provides a pathway for lifelong success both for students and the state.

I support the requirement for the department to develop and provide materials for seventh and eighth graders about career opportunities. The materials will also share information on how a career-technical education can help students satisfy high school graduation requirements. Additionally, I support the requirement that the department identify in-demand jobs and post that list on its website.

While I support the elevation of career technical education and opportunities for students, I and many parents from my community have significant concerns about the restructuring of the roles of the State Board of Education and the superintendent of public instruction included in the bill.

The Ohio Department of Education (ODE) is responsible for carrying out the public education policy changes and laws passed every year by the Ohio General Assembly. In recent years, there have been constant, significant changes to Ohio's education public policy, presenting

significant implementation challenges for ODE staff and school districts like mine. Making matters worse was the response to COVID-19 and the scandals that surround ODE and Superintendent of Public Instruction.

I believe that the goals of the legislation as stated in previous testimony in the Senate can be accomplished without engaging in drastic restructuring. I offer the following suggested changes to Senate Bill 178 and would be happy to meet outside of this hearing to discuss them further with any member of this committee.

Restructuring

I oppose the creation of a new agency and the reduction in the role and significance of the State Board of Education and Superintendent of Public Instruction. However, I do agree with the creation of two separate divisions within the current Department of Education, the Division of Primary and Secondary Education and the Division of Career-Technical Education, each with a separate deputy director who will serve on the Governor's Executive Workforce Board. I do believe that this will help to highlight the importance and value of career-technical education and strengthen partnerships with Ohio's employers.

Superintendent of Public Instruction

The Superintendent of Public Instruction has been a position plagued with scandal, turnover, and frustration the last few years. **The root cause of these problems lies with the appointed members on the State Board of Education.** Historically as a governor comes into office, he would place his appointees on the state board and a change in superintendent would occur shortly thereafter. This has created a system with frequent changes in leadership, direction and vision, these issues that would likely even worse and dysfunctional by Senate Bill 178.

The bill continues to tie education leadership to the changes in the governor's office just in a different way. While the current system is subject to fluctuations in leadership, I believe the current structure allows for more continuity than the proposed governance structure in Senate Bill 178. Most of the work of the board today is dictated by legislative action that the department and board are charged with implementing.

I propose that the General Assembly be given that role to consent on the State Board's selected superintendent of public instruction. This would serve to foster the relationship between the board and the General Assembly. I also agree with a recommendation that was brought up by the Ohio School Boards Association that the board appointed, and Senate approved, superintendent of public instruction be added as a member of the governor's cabinet. This will allow the superintendent of public instruction to work collaboratively with the governor on creating and implementing the education strategy and vision for Ohio.

State Board of Education

Most alarming is that Senate Bill 178 would undermine the role and authority of the elected members of the State Board of Education. By stripping it of all but its regulatory role, the board would no longer be acting in any significant way on behalf of the citizens they represent. As a former locally elected Board of Education Member I fundamentally believe that education in Ohio will be at its best when the interests of the people are served through publicly elected

boards and the State Board of Education. Senate Bill 178 should be amended to have a fully elected State Board of Education. **Again the real problem with public education currently is a direct result of the too much power the Governor has in it. Giving the Governor more power in the state's educational leadership regardless whether they are a Republican or Democrat is dangerous.** A 1953 constitutional amendment created the State Board of Education, and at the time, all the members were elected. In 1995, a provision in a state budget bill allowed former Governor George Voinovich to appoint eight members. The Governor current controls over 42% of the State Board of Education.

So if the General Assembly wants to bring major educational reform now. You already have the tools to do it. Which is why **I recommend that this committee amends Senate Bill 178 and adds the provisions outlined in House Bill 298 that is sponsored by Representatives Bird and Miller. House Bill 298 has over 41 bipartisan co-sponsors for eliminating the eight members of the State Board of Education who are appointed by the Governor, leaving 11 members who are elected.**

Representative Miller said it best "Former governors have had too much influence over the board through their appointees. Many governors try to influence who becomes state superintendent by influencing who gets on the board." In an interview last year with Cleveland.com Representative Bird spoke about House Bill 298 and said "This bill is not about partisanship, it is not about politics, it is not personal – it is entirely about principle and upholding the people's right to vote for fair representation when it comes to the Board that makes the decisions about Ohio's education policy. This is about ensuring that the voice of our citizenry is heard, loud and clear." Both Representatives were correct a year ago and you all can accomplish this through amending Senate Bill 178 right now with the changes to the State Board of Education from House Bill 298.

In closing Representatives, I urge you to amend Senate Bill 178 to include the changes I have outlined to you all today. Giving the Governor more power without any checks and balances is not the answer to solving the real challenges we all agree Ohio's Public Education system is facing. We owe it to all the children of Ohio to do much better than this!

Thank you for the opportunity to speak to you. I am happy to answer any questions you may have for me at this time and am available via email at danielrlangshaw@yahoo.com or by phone at (440) 785-4240.



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H.B. 298
134th General Assembly

Bill Analysis

Version: As Introduced

Primary Sponsors: Reps. Bird and J. Miller

Mitchell Smith, Research Analyst

SUMMARY

- Revises the composition of the State Board of Education from 19 voting members to 11, by eliminating the eight Governor-appointed positions while maintaining the 11 positions elected from designated State Board electoral districts.
- Requires the Governor-appointed members to retain their positions on the State Board until the expiration of their current terms.

DETAILED ANALYSIS

State Board of Education composition

The bill revises the composition of the State Board of Education from 19 voting members to 11, by eliminating the eight Governor-appointed positions while maintaining the 11 officials elected from the designated State Board electoral districts. It maintains the current provision under which the chairs of the education committees of the House of Representatives and the Senate are nonvoting ex officio members of the board.¹

The bill also provides that the Governor-appointed members remain in office until the expiration of their current terms. Thereafter, their positions are abolished. However, if a Governor-appointed member vacates that position prior to the expiration of the member's term, the bill prohibits the appointment of another member to fill the vacancy, and the position is abolished.²

¹ R.C. 3301.01; conforming changes in R.C. 3301.02, 3301.03, and 3301.06.

² Section 3.

Background

The Ohio Constitution requires the establishment of the State Board but specifies that its membership must be prescribed by law.³ Under current law, the State Board consists of 19 voting members. Eleven of these members are elected from specified electoral districts, and eight are appointed by the Governor with the advice and consent of the Senate. The chairpersons of the House of Representatives and the Senate committees that primarily deal with education also serve on the State Board as nonvoting ex officio members. Voting members serve four-year terms and may not hold that position for more than two successive terms.⁴

Prior to 1992, the State Board consisted of members elected from districts coinciding with the state's Congressional districts. In 1992, the General Assembly changed the composition of the Board to consist only of 11 voting members elected from districts made up of three contiguous state Senate districts.⁵ In 1995, the General Assembly prescribed the current composition of the Board by authorizing the Governor to appoint eight additional members, bringing the total number of voting members to 19.⁶ In 2000, the General Assembly reenacted the 1995 amendments in a separate act in response to a lawsuit challenging the procedure used to enact those amendments.⁷

HISTORY

| Action | Date |
|------------|----------|
| Introduced | 05-11-21 |

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³ Ohio Constitution, Article VI, Section 4.

⁴ R.C. 3301.01, 3301.02, and 3301.03.

⁵ S.B. 162 of the 119th General Assembly.

⁶ H.B. 117 of the 121st General Assembly.

⁷ H.B. 711 of the 123rd General Assembly.

Ohio lawmakers seek to reduce State Board of Education from 19 to 11 members, after race and equity resolution

Updated: Sep. 28, 2021, 9:41 a.m. | Published: Sep. 28, 2021, 9:06 a.m.

COLUMBUS, Ohio – A bill in the Ohio House seeks to eliminate the eight members of the State Board of Education who are appointed by the governor, leaving 11 members who are elected.

[House Bill 298](#) has Republican and Democratic sponsors who say the legislation is needed to create a board that is accountable to the voters who elect them, and to end alleged political influence on education by the governor's office.

However, the bill comes a year after the board passed [an anti-racism and equity resolution](#) that remains controversial, especially among some elected board members.

“This environment changes from president to president, and in July of 2020 the state board of education was able to pass a very important resolution condemning hate and racism and advancing equity and opportunity for children, especially children of color,” said Meryl Johnson, an elected school board member from Cleveland. “It was the appointed members who helped pass that by a vote of 12 to 5, with one abstention. I truly believe if we had not presented that resolution, this issue would not be circulating in the legislature right now.”

Governor's influence?

However, Rep. Joe Miller, an Amherst Democrat, said that he is sponsoring the bill because he believes some former governors have had too much influence over the board through their appointees.

For example, Miller said John Kasich, the former GOP governor, favored moving money to charter schools, including the Electronic Classroom of Tomorrow, a now-shuttered e-charter school [that owes tens of millions of dollars to the state](#) for allegedly not properly educating its students.

Miller noted it's the state school board, not the governor or legislature, that chooses the superintendent of public instruction in Ohio. And many governors try to influence who becomes state superintendent by influencing who gets on the board, he said.

In recent years, the elected members of the State Board of Education have been further to the right than the appointed members. For instance, elected board member Kirsten Hill, who has repeated the false narrative that there was significant fraud in the 2020 presidential election, [attended the Jan. 6 protests at the U.S. Capitol](#) and is listed as an organizer of a bus from Lorain County to Washington to

participate in the protests. She says she remained outside the building.

Nevertheless, Miller said that it's best if people are elected to the board. When 42% of the board is appointed, it's hard to attract school board candidates to run for election, he said.

"We need to go ahead and support good candidates," he said. "I think we have kind of failed to do that - we as Ohioans, we as public educators, education supporters. And I think that's partly because not many people are going to sign up for a job that they feel they have no influence to do."

Miller said he'd be willing to increase the number of elected members, if his colleagues in the legislature wanted a larger elected board.

'Not about politics'

Under HB 298, seats will be eliminated when a current appointee's term is up, said Rep. Adam Bird, a Republican from Southwestern Ohio, who noted in testimony to a committee that the bill has 41 bipartisan co-sponsors.

A 1953 constitutional amendment created the State Board of Education, and at the time, all the members were elected. In 1995, a provision in a state budget bill allowed former Gov. George Voinovich to appoint eight members.

Lawmakers in 2000 passed separate legislation allowing the appointed members. Bird said they were concerned lawsuits over the appointments being enabled by a budget bill might oust those those board members.

"This bill is not about partisanship, it is not about politics, it is not personal - it is entirely about principle and upholding the people's right to vote for fair representation when it comes to the Board that makes the decisions about Ohio's education policy," Bird said. "This is about ensuring that the voice of our citizenry is heard, loud and clear."

Eric Poklar, an appointed member of the board whose second term expires in 2024, said he doesn't want to attribute motive to the bill. But he said he doesn't see a difference between the dedication to education that appointed members have, versus elected members.

"The makeup of the Board of Education is set in statute and it is the right and responsibility of the legislature to review that statute if they so choose," he said.

Gov. Mike DeWine, the Ohio Teachers Federation and the Ohio Education Association have not taken formal positions on the bill. They each continue to monitor it.

Resolution continues to draw criticism

The anti-racism and equity resolution continues to bother conservative members of the board.

[The three-page resolution](#), passed after the murder of George Floyd by a

Minneapolis police officer, has numerous provisions: That Ohio's education has not been immune to racism and inequality issues that the entire nation is grappling with; that racism, hate and bigotry have no place in schools; that the State Board of Education offer implicit bias training for Ohio Department of Education employees and contractors; that department employees make recommendations to the state board to to eliminate bias and racism in the state's academic standards and model curriculums; that the department support school districts' reflection and examination of unequal treatment in hiring, staff development, student discipline and other operations; among other guidelines.

Recently, some school board [members asked Ohio Attorney General Dave Yost](#), a Republican, to rule on whether the resolution conforms with state and federal law and whether the board had the authority to pass it. They also said that parts of the resolution are similar to critical race theory.

Critical race theory, which is studied at the university level but not in K-12 schools, looks at racism as a systematic problem - rather than the actions of a few individuals - that began centuries ago and continues in many forms today. Some Republicans dismiss it as divisive, unfair and untrue. The theory [has divided communities in Ohio and across the country](#).

[Yost's legal analysis](#) didn't object to most of the anti-racism and equity resolution, except for the requirement that Ohio Department of Education contractors undergo implicit bias training. He said that educational standards based on critical race theory would be illegal.

Meryl Johnson, the Cleveland school board member who believes HB 298 is about the anti-racism and equity resolution, said that before her time on the state school board, she believed school boards should be elected. But now she's grateful for the appointed members.

"I've been on the board for four years, and that's never come up," she said. "It didn't come up until after we passed that resolution."

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