

Ohio House Economic and Workforce Development Committee  
Testimony of Melanie Elsey ~ Sub. S.B. 1  
April 25, 2023

Chairman Swearingen, Vice-Chair Santucci, Ranking Member Upchurch, and members of the House Economic and Workforce Development Committee, thank you for the opportunity to share concerns with Sub. SB 1. My name is Melanie Elsey. I serve as the Legislative Director for the American Policy Roundtable and also as the Legislative Liaison for Christian Home Educators of Ohio. As you are aware, this legislation is intended to create the Ohio Department of Education and Workforce, to which shall be transferred “all powers and duties regarding primary, secondary, special, and career-technical education” formerly granted to the ODE, SPI, and State Board of Education (except for limited authority over teachers in licensure standards, teacher suspensions/revocations, and territory transfers).

I began attending the monthly meetings of the State Board of Education in 1992. For 20 years I didn’t miss a meeting of the full board or any of its standing committees. In recent years (due to a shift in responsibilities) I have followed the work of the Board through mp3 files and more recently through online live streaming. I remember when the Board was politically diverse, but not fractured.

The perspective I would like to share is from my personal observations over the past 30 years. When I first began attending the monthly meetings of the State Board of Education in 1992, it was an all elected board. It had functioned as an elected board since its inception in 1955 (HB212). It has performed its duties as an extension of the legislative branch since it was established in the Ohio Constitution in 1953.

The legislature imposed a hybrid structure (elected w/ appointed members) on the Board in 1995 (HB711). As proponents of this bill have noted, this structure doesn’t work. It is also not effective for an elected member to have a district that is more than 20 counties in size. These structural weaknesses can be fixed in statute.

When the Board was established in 1955 the system of providing education was very different. The foundation of this system was upended in statute in 1993 (HB152) with what was referred to at that time as an outcome-based system. Almost all of the shortcomings in education policy we see today - lowering of performance standards, teaching to the test, Ohio’s “middle school literacy crisis” (as described by the ODE), high remediation rates for colleges/universities, an increasingly complex system for graduation requirements, etc. are the result of the system not the Board, which is constitutionally required to set policy under the acts of the Legislature.

Shifting the authority to a single appointed director will not change the system. It will only diminish the consent of the governed. Students in every form of delivery of education and their parents will not have the direct access they have today in the current board structure.

Diminishing citizen representation and input into state policy contradict the intention of the 1953 Constitutional amendment passed by Ohio voters. It is inconceivable that Ohioans intended for the General Assembly to strip the board of every single responsibility related to the delivery of education to children. That is simply not logical.

Only the General Assembly can change the elements of the system. Putting the same system under the authority of one political appointee will not work.

In addition to these concerns with the general constructs of Sub. SB 1, I would like to point out an egregious paragraph that was amended into the bill at the final stage of Senate deliberations.

Proposed section 3321.042 (see p. 1565-1566) places a definitional section for home educated students in statute. These students have been governed through the Ohio Administrative Code 3301-34 for decades. In the same section that describes home educated students as being “exempt” from Ohio’s compulsory attendance law, it states in the amended paragraph (C) that they will be subject to the state’s habitual truancy statute (RC 3321.19). It makes no sense to determine that a student, who is not required to be in attendance, can be penalized as being truant for not being in attendance.

We respectfully request that this paragraph be removed from the bill.

We also request that the portions of the Revised Code which refer to home educated students as being “excused” from attendance be harmonized with proposed section 3321.042. There should be a consistency in state law in using the defining term “exempt” since the students would no longer be issued letters of excusal.

Thank you for your consideration of these concerns.