

**Opponent Testimony on House Bill 12**  
**Jan Resseger, Heights Coalition for Public Education**  
**Ohio House Primary and Secondary Education Committee, April 18, 2023**

Chairman Bird, Vice-Chair Arthur, Ranking Member Robertson, and Members of the Ohio House Primary and Secondary Education Committee:

I strongly oppose the evisceration of the State Board of Education and the transfer of most of its powers along with control of the Ohio Department of Education into a cabinet department under the political control of the governor.

On the evening of February 1, 2023, Cleveland Heights-University Heights City Schools Superintendent, Elizabeth Kirby delivered her annual State of the Schools address. The address was televised as well as delivered in our high school auditorium, but two of the people who appeared in person to hear the address and mingle with members of the local school board, Superintendent Kirby, and members of the public were Meryl Johnson, an incumbent who has represented our school district on the State Board of Education for many years but has now been redistricted, and Tom Jackson, whom we elected as our representative to the State Board of Education in the November 2022 election.

During Superintendent Kirby's address, I watched our representatives to the State Board nodding approvingly and taking notes when Superintendent Kirby described our district's progress toward the goals of the district's strategic plan to build academic achievement and help our students become better citizens, when she talked about a summer day camp that our district has funded with COVID relief funds to help students catch up socially and academically, and when she reported on another initiative to help teachers support students who feel marginalized. After the address, Ms. Johnson and Mr. Jackson mingled with members of the school board and with members of the community to reflect on what our school superintendent had reported. They both demonstrated that they are actively engaged with what is happening in our school district and they demonstrated their understanding of their responsibility to those of us who elected them.

Ohio Senate Bill 1 would reduce the capacity of State Board members across the state to represent the school districts they were elected to serve. SB 1 would hollow out the State Board of Education. While a State Board of Education would continue to exist---it would appoint a state superintendent (but one whose responsibility would be severely reduced) and handle educator licensure and disciplinary actions---most of the power and responsibilities of the current State Board and the State Superintendent would be transferred to the new Division of Education and the Workforce with a new Division of Career-Technical Education with its own deputy director.

As I listened to a December hearing on Senate Bill 1's predecessor, SB 178, which was also intended to reduce the role and the power of Ohio's state board of education, I heard the members of the committee frame their arguments about test-based accountability and expanding the workforce—abstract concepts that have little to do with education practice—which is the purview of the State Board. I listened to politicians discuss standardized test scores—numbers, percentages, and supposed trends measured by the numbers. Those abstract concepts embody how Senator Reineke has described the bill he has introduced: “The bill’s focus is still the same: to improve academic and workforce skills to drive better accountability and outcomes for our kids’ education and career readiness.” Of course children need a good education to prepare them for life and for work, but the urgently important and appropriate role of the State Board of Education is to support and improve the academic life of children and their teachers in Ohio’s classrooms right now.

The State Board has important responsibilities that must be handled in a nonpartisan way. Today the policies set by the State Board of Education include creating academic standards, approving curriculum, and establishing

test benchmarks. The Board chooses the State Superintendent and establishes policies for professional development for teachers, and requirements for educational licensure. Career tech and workforce development are important, but the responsibilities of the State Board of Education are much larger than workforce preparation.

Eleven of the State Board's members are elected; 8 are appointed by the Governor. The eleven democratically elected members serve their constituents. I believe it would be an improvement if all 19 members were chosen through nonpartisan election. Moving the responsibilities of the State Board under the control of the governor would dangerously insert politics into the operation of our state's public schools.

There is a good reason why state boards of education have been established under state constitutions everywhere to ensure that education is protected from partisan politics. Constitutional law professor and historian Derek Black explains that all the states have education provisions in their state constitutions, many enacted in the period immediately following the Civil War: "Today all fifty state constitutions protect the right to education. All fifty states, through constitutional language, place that right on a pedestal. They also attempt something quite curious: they try to insulate public education from partisan politics." (*Schoolhouse Burning*, p.15) Black continues: "State constitutions long ago included any number of safeguards—from dedicated funding sources and uniform systems to statewide officials who aren't under the thumb of politicians—to isolate education from... political manipulations and ensure education decisions are made in service of the common good. The larger point was to ensure that democracy's foundation was not compromised. But the fact that politicians keep trying and sometimes succeed in their manipulations suggests these constitutional guardrails are not always enough to discourage or stop powerful leaders." (*Schoolhouse Burning*, p. 232)

In November, Ohioans elected several enthusiastic and well qualified new members of the Ohio State Board of Education. Please reject Senate Bill 1 and allow the State Board of Education to get on with its work. Democratically governed public schools remain the optimal institution for balancing the needs of each student and family with the public obligation to create a system that, by law, protects the rights of all students.