

Testimony of Melanie Elsey
Ohio House Government Oversight Committee
HB 298
September 28, 2021

Chairman Wilkin, Vice Chair White, Ranking Member Sweeney, members of the Ohio House Government Oversight Committee, my name is Melanie Elsey. I serve as Legislative Director for the American Policy Roundtable. I appreciate the opportunity to testify in support of HB298.

The perspective I would like to share is from my personal observations over the past 29 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.

This board did not change to a hybrid board until 1995 despite several attempts many years before. This change in structure was almost immediately challenged based on the process. The threat of a loss in court compelled two attempts to codify the hybrid structure in stand alone legislation. The first was HB602 in the spring of 2000. This bill faced so much public opposition that it could not get enough support in the Ohio House Education Committee to move it forward. I was in the room for those hearings. The second was HB711 (exact same text as HB602), which was assigned to the Ohio House Finance Committee and immediately approved.

In hindsight the timing of this restructuring of the board was such that state policy would have benefited from having meaningful accountability to the public through a wholly elected body.

Please allow me to illustrate this through one substantive example.

When the responsibilities of the State Board of Education were established through HB212 in 1955, RC 3301.07 stated:

The state board of education shall exercise, under the acts of the legislature, general supervision of the system of public education in the state of Ohio. In addition to the powers otherwise imposed on the state board under the provisions of law, such board shall have the following powers:

- (A) policy forming, planning, evaluative functions
- (B) leadership in the improvement of public education and administration of the educational policies of this state
- (C) administer and supervise the allocation of state and federal funds
- (D) formulate and prescribe minimum standards, provide adequately for curriculum, certification of teachers, proper administration of schools, requirements for promotion from grade to grade, facilities and services, requirements for graduation, **“and such other factors as the board finds necessary.”**

What changed in the mid-90's was a shift (nationally) to an outcomes-based system. In Ohio the assessment portion was codified in HB 152 (state budget 1993). In this measure Ohio shifted to a criterion referenced assessment system.

[example - 1994 SBE transcript]

It is important to point out that the first draft of state outcomes for Ohio graduates failed to include core academics. The second draft brought to the State Board of Education by the Ohio Department of Education in September of 1993 included 412 measurable outcomes for Ohio graduates that focused on characteristics that could not be objectively measured. (e.g. “demonstrate curiosity, open-mindedness, and skepticism in civic behavior” or “develop healthy coping strategies” or “exhibit a realistic and optimal sense of well-being”)

In 2009 State Superintendent Delisle provided testimony on HB1 to the House Finance Subcommittee on Primary and Secondary Education, in which she advocated for the shifting of the State's assessment system to evaluate and score each student's interpersonal characteristics as a means of earning a high school diploma. This came out of the State Board of Education's work to engage business and industry in “identifying skills, attitudes, and behaviors students would need to have as they exit high school...”

In April 2013, Sasheen Phillips, Senior Executive Director for the Office of Curriculum and Assessment presented “Defining College and Career Readiness: The Road to Student Success” in PowerPoint format to the State Board of Education's Achievement Committee. Her annotations at the bottom of the 8th slide stated, “Content knowledge is an important factor in student success, but is **only part of the equation**. Measures of skills and dispositions contribute **above and beyond** traditional measures of content and can be used as part of a holistic assessment system.”

Having a board structure that is more than 40% accountable to the governor (through the appointed positions) and not wholly accountable to Ohio taxpayers has taken the latitude of powers granted by the General Assembly - “and such other factors as the board finds necessary” from being a little off course to a place where academic achievement is no longer a clear target.

[example - assessment cut scores]

There are other more controversial policies, which time does not permit to share today. But it is worth noting that today the State Board of Education has instituted a practice of selecting which public testimonies may be offered during the “public testimony on non agenda items” portion of their public meetings. All testimony must be submitted in advance for “approval”. It didn't use to be this way....

Thank you for allowing me to share this perspective. I would be glad to answer any questions you may have.