

Opposition Testimony – HB 12
House Primary and Secondary Education Committee
March 21, 2023
Presented by Teresa Fedor
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Chairman Bird, Ranking member Robinson and members of the House Education Committee, my name is Teresa Fedor. Last November, I was elected to the State Board of Education District 2. I represent over a million citizens in seven counties: Wood, Lucas, Erie, Ottawa, Huron, Lorain, part of Hancock. Previous to the State Board of Education, I served 22 years in the legislature, serving on the education committee in both the House of Representatives and Senate. Also, I had the privileged of teaching 18 years in the classroom after serving in the United States Air Force and Ohio Air National Guard.

I resoundingly oppose HB 12. In 1953, voters rejected the Department of Education being attached to the Governor's office. Ohio's Constitution Article VI, Section 4 removed the Governor's appointment of a state education chief or state education director and for good reason, as I present further in my testimony. I'm reminded of Winston Churchill's quote, "Those that fail to learn from history are doomed to repeat it." HB 12 may seem like a clever work around the Constitution. However, history clearly establishes voter intent along with the subsequent enabling legislation creating the State Board of Education and its duties which has stood on solid ground for nearly seventy years.

HB 12 restructures and renames the Ohio Department of Education (ODE) to "Department of Education and Workforce" and reverts back to the 1912 system where ODE shifts into a cabinet-level agency managed by an appointment from the governor.

Further, HB 12 reduces duties of State Board of Education to appointments, licensure, employee conduct and territory transfers. It's important to understand the voters in 1953 did not vote to remove some of the duties and responsibilities from the executive branch but the whole education operation.

The state Board of Education is a non-partisan board with 11 elected members and 8 members appointed by the Governor. A strong public education system for the common good is the foundation of a functioning democracy. HB 12 will weaken that foundation. It fundamentally changes public education from a nonpartisan system to a partisan one under the executive branch. HB 12 removes the public accountability system built into the state public school system thus leaving bureaucrats operating behind closed doors with very little public oversight and accountability.

HB 12 does not solve the problem you are trying to fix. Ohio education is in need of real solutions. Let's begin with your constitutional responsibility to fix the 25-year delay in funding our 610 public schools. Fix the root causes of academic distress by providing more resources and fully implementing wrap around services for those districts. Fix the structural problems plaguing Charter schools, the legislature can raise their standards and make them fully transparent and accountable just like the traditional public schools. Fix the harm done to Ohio's 9-year-olds in mandating retention without parental input for the 3rd grade reading guarantee. The State Board of Education did its job and passed a resolution detailing the research on the harmful effects as well as recommending the legislature amend the law. Fix the

teacher and staff shortages school districts face in Ohio with financial incentives. Instead, in very short order, the Ohio public education system will face an unconstitutional massive overhaul.

Let's not forget, Ohioans experienced the unwise decision to quickly expand on the unregulated charter school experiment without the required 5-year review. The legislature ignored the misdeeds and corruption for years before implementing good government mechanisms. In 2018, the Electronic Schools of Tomorrow (ECOT) the first online charter school inflated enrollment totaling \$117 million. The state has yet to recover the \$117 million. ECOT received a \$1 billion over 17 years. In 2017 they had one of the highest dropout rates in the U.S. and a graduation rate of 39%.

I've heard sponsors say there is a disconnect between state education leaders and the Governor's workforce transformation board. Why not require that the Superintendent of Public Instruction be a member of the Board of Governor's Office of Workforce Transformation?

Some legislators are upset about program delays. Why not involve State Board of Education leadership in the policymaking process to avoid delays between the enactment and implementation of legislation?

While HB 12 may sound like a good idea to some and portrayed with good intentions, I believe it is an extreme over-reach by this General Assembly. As I have listened to proponent testimony, I agree it is good public policy to review whether or not Ohio's education system is aligned with our current and future workforce needs and should adjust our public system accordingly. However, it is a whole other matter to weaponize the State Board of Education just coming off of the COVID-19 crisis and use it to grab power away from the will of the people.

Ohio voters passed a constitutional amendment to establish an elected independent state board of education, the 4th branch of government. Voters chose to create the board and remove the Governor's authority to appoint the state education director responsible for running Ohio's public education system. Voters recognized a lack of sustainable education polices, state representation to help local school boards and adequate funding. Since 1956, the constitutional enabling language passed by the legislature set the duties and responsibilities for the State Board of Education of Ohio to do their work.

The reasons for establishing the state board of education in our constitution can be found in the book, "MILESTONES: A History of the State Board of Education 1956 -1986". Chapter 1 Creation of the State Board of Education

Politics in Education - The year was 1953.

"Harold, you turned down Harvey J. McCarthy for a teaching certificate. He's got a family of thirty-four McCarthys down there in Pike County. I need those votes. Give him a certificate."

"At that time, any Ohio politician could phone such messages over to the offices of Ohio Department of Education at 65 South Front Street in Columbus. Because the superintendent of public instruction was appointed by the governor, partisan politics dictated a myriad of key educational decisions that filtered down into the school districts of the state."

HB 12 does not provide the necessary distance from politics. It will promote the same political agendas, the same cronyism and the same corrupt practices of the past which all too often will lead to waste, fraud and abuse of power. Also, HB 12 is open for a constitutional challenge costing Ohio taxpayer's money and most importantly take the focus away from improving public education in Ohio.

The State Library provided articles from 1953 on the Constitutional Amendment No. 2 in establishing a State Board of Education. The Cleveland Plain Dealer article, October 3, 1953 titled "Back Schools' Amendment, President of State P.T.A. Urges on Convention Eve" interviewed Mrs. Lorin Staats, President at the Ohio Congress of Parents and Teachers convention. On the opening day, the half million membership organization put their support behind it and "urged all citizens interested in the welfare of our children to "Vote Yes on 2" Nov. 3." Mrs. Staats gave nine reasons establishing a State Board of Education for better schools for Ohio.

1 – A state board of education would allow the people a voice in school matters at the state level, as they have at the local level through their local school board.

2 – It would permit long-term planning.

3 – It wouldn't take power away from local boards of education, but would help them.

4 – It would provide additional leadership for the schools.

5 – It would give the state superintendent of public instruction the same assistance with state school problems as the local board gives to the local superintendent.

6 – It is the national trend. Forty-four states already have state boards of education.

7 – It has been unanimously favored by Ohio's directors of education, the National Council of Chief States School Officer, the Council of State Governments, the United States Chamber of Commerce, the regional school board associations in Ohio and numerous educational experts.

8 – Our judicial system is operated on a non-partisan basis. Under a state board of education our schools would be given the same consideration.

9 – A state board of education is needed for the same reasons a local board of education is needed.

Mrs. Staats added another benefit for establishing a State Board of Education, the "need for such a board of informed laymen to advise the Legislature on educational problems and appoint a state superintendent of public education has been felt by Ohio's educators for over 20 years with mushrooming responsibilities of the state's educational program making the burden too great for one man to handle alone."

Listen to the people of Ohio and follow its constitution. If you want to revert back to 1912, take the question back to the voters and let the people decide.

HB 12 is a power grab and a ruse that will silence the voices of the people and local control. Unlike HB 12, the State Board of Education functions with democratic, good governance principles - transparent and accountable to local boards of education and the citizens who elect them.