

Thoughtful Testimony Against SB178 by Melanie Elsey, Representing the Christian Home Educators of Ohio.

Melanie Elsey testified against SB178, the bill to ditch the State Board of Education. Elsey attended every State Board of Education meeting for 20 years beginning in 1992; in recent years by various means including livestreaming, she has observed the State Board of Education closely.

Her testimony against SB178 is short, but thorough regarding issues of governance and public interest. She rightly concludes: “Shifting the authority to a single appointed director will not change the system. It will only diminish the consent of the governed.”

Ohio Senate Primary and Secondary Education Committee Testimony of Melanie Elsey ~ Sub. S.B.178 I_134_1394-5 December 6, 2022

Chairman Brenner, Vice-Chair Blessing, Ranking Member Hicks-Hudson, and members of the Senate Primary and Secondary Education Committee, Thank you for the opportunity to provide testimony in opposition to Sub. S.B. 178. 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 (p. 395) 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 have reviewed Sub. S.B. 178 in its entirety. This new agency is enormous in terms of its scope and power as described throughout the bill’s 2,144 pages. In fact, there are several sections that provide an unlimited scope of authority for the appointed director and an unlimited size for the agency, itself. (e.g. RC 3301.07(D)(2) pp. 289-292; RC 3301.0714(A) p. 349; RC 3301.0714(D)(1) p. 357; 3301.94(D) p. 460; 3319.981 p. 1,005; and much more.)

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.

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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 act 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 with their elected member of the State Board of Education.

The timing and pace of these deliberations are a disservice to the roughly 2 million school-age students in Ohio and their families. This massive bill has been dormant for 18 months and is now being pushed through at an unreasonable pace in lame duck.

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 in Ohio. 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.

For these reasons, we respectfully ask that you not allow Sub. SB 178 to move forward.

I would be glad to answer any questions you may have