



**LEAGUE OF WOMEN VOTERS® OF OHIO**

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Ohio Constitutional Modernization Commission  
Education, Public Institutions, and Local Government Committee

League of Women Voters of Ohio Testimony on Elected vs. Appointed School Board

February 11, 2016

Dear Chairman Readler and Members of the Committee:

Thank you for this opportunity to comment about Article VI, Section 4 and the composition of the State Board of Education on behalf of the League of Women Voters of Ohio.

Article VI, Section 4 of the Ohio Constitution establishes the State Board of Education and allows for the selection, terms, powers, and duties to be prescribed by law.

**The League's Position**

The League of Women Voters of Ohio supports a State Board of Education that is elected rather than appointed.

We opposed the move in the 1990s from an all-elected board to the current hybrid composition of the 19-member state board, which includes 11 elected members and 8 members appointed by the governor. We would likewise oppose changes to this section of the constitution that eliminate elected board members and move to an all-appointed board under the control of the governor or the legislature.

League members adopted this position<sup>1</sup> in 1983 after conducting a study that examined

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<sup>1</sup> LWV Ohio's full position on Primary and Secondary Education is available at [http://lwvohio.org/assets/attachments/file/Social%20Policy-Primary%20and%20Secondary%20Education\(2\).pdf](http://lwvohio.org/assets/attachments/file/Social%20Policy-Primary%20and%20Secondary%20Education(2).pdf)

the structure, policies, practices, and procedures of the State Board of Education. Since that time League members have affirmed support for this position every two years at our state convention.

Our position reflects our faith in the democratic process and our work to promote open government systems that are representative, accountable, and responsive to the public, and provide multiple opportunities for citizens to participate in decision-making.

### **Best Practices**

The National Association of State Boards of Education (NASBE) is a nonprofit organization founded in 1958 to support the work of state boards of education across the nation. While NASBE serves all types of state boards, including elected, appointed, or hybrid boards, it states that:

“State Boards, operating as a lay body over state education, are intended to serve as an unbiased broker for education decision-making, focusing on the big picture, articulating the long-term vision and needs of public education, and making policy based on the best interests of the public and the young people of America.”

NASBE also identifies several roles for state boards of education. They include unbiased policymaker; advocate for quality education programs and student access to educational opportunities; liaison between educators, schools, elected officials, business and civic groups; and consensus builder among those who “seek to influence current state education policy.” In its role as a consensus builder a nonpartisan board “ensures that the public voice is represented in decisions about public education,” even difficult decisions.

The League believes that an elected state board of education is best suited to implement the roles as described by NASBE.

### **Public Accountability**

An all-elected nonpartisan state board is more likely to be responsive to the public in its policy-making decisions and not obliged to conform with the policy agenda of a particular political party. Yes, elected board members can be influenced, but are more likely to represent the diversity of opinions and agendas of their regions.

An all-elected board is more likely to represent the cultural, social, and demographic characteristics of a region or community, and understand the unique educational issues each region must address. Unfortunately, the current State Board of Education does not reflect the diversity of the state. Even though there are over 280,000 African American students in Ohio, there is not one African American on the State Board of Education.<sup>2</sup>

An all-elected state board is more likely to be responsive to constituents, who are neighbors and colleagues, and encourage citizens to participate in the decision-making process.

And, as advocates for students, an elected state board of education is more likely to address difficult and controversial issues, even when it means making politically unpopular decisions.

### **History of Ohio State Board Structure**

One of the factors that contributed to the change in the composition of Ohio's State Board in 1995 after 39 years, was the board's refusal to appeal the *DeRolph* decision handed down by Judge Linton Lewis, Perry County Court of Common Pleas in July 1994.<sup>3</sup> The language to create an appointed state board was included in the biennial budget bill, 121-HB-117, introduced in January 1995. Citizens vigorously opposed the all-appointed board, which led to a compromise and the creation of the hybrid board with 11 elected and 8 members appointed by the governor. This legislative change was later challenged in the courts, based on the single subject rule, and eventually separate legislation, HB711, was signed into law by Governor Taft in July 2000, affirming the new composition of the board.

In recent years, the 19-member Ohio State Board of Education has faced many controversies over the selection of state superintendents, the Senate approval of

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<sup>2</sup> Ohio Department of Education, Fiscal Year 2015 Headcount:  
<http://education.ohio.gov/Topics/Data/Frequently-Requested-Data/Enrollment-Data>  
Retrieved February 9, 2016.

<sup>3</sup> Hannah News Service. "State Board of Education Will Not Appeal Perry County Decision", January 12, 1994 at <http://www.hannah.com/Hannah/NewsStory.aspx?id=138403&HL=True>. Retrieved February 9, 2016.

appointed members, oversight of the Ohio Department of Education, and frequent membership changes. While there is currently only one vacancy on the Board, that being the 8th District seat formerly held by Bob Hagan who resigned in July 2015, several seats have changed over the past years leading to six appointments by Governor Kasich since 2014.<sup>4</sup>

The new federal “Every Student Succeeds Act” allows more decision-making at the state and local levels. This policy change at the federal level will help correct some of the disconnect between education policymakers and the public, which has led to a backlash from parents, students, educators, and communities opposed to high-stakes testing and other education “reforms”. A better balance between policymakers and the public could also be restored here in Ohio, with the return of an elected state board of education, which is representative, accountable, and responsive to the voters.

Thank you for considering this testimony.

Sincerely,

Joan Platz, LWVO Education Specialist

Carrie L. Davis, LWVO Executive Director

*The League of Women Voters of Ohio, a nonpartisan political organization, encourages informed and active participation in government, works to increase understanding of major public policy issues, and influences public policy through education and advocacy.*

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<sup>4</sup> Rebecca Vasquez-Skillings appointed in January 7, 2014

Cathye Flory appointed in June 12, 2014

A. J. Wagner appointed in August 2014 (later elected)

Ron Rudduck appointed in August 2014 (later elected)

Bradley Lamb appointed in 2014

Frank E. Pettigrew appointed in October 2015