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Controlling Board

Ohio Constitutional Modernization Commission
Education, Public Institutions, and Local Government Committee
Chair Chad Readler, Vice Chair Edward Gilbert
Senator Tom Sawyer
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Thank you, Chair Readler and fellow Constitutional Modernization Commission members, for the opportunity to share my perspective on the operation of the State Board of Education as created by the Ohio Constitution. I am not only the Ranking Member on the Senate Education Committee, but also have longstanding contributions to education policy and practice on every level of American government. Importantly, however, I stand before you today as a former member of the State Board of Education, however brief that service may have been.

In order to have a meaningful conversation about the role of the State Board of Education, it is vitally important that we identify the structure of the Board in two time periods.

Before 1993, the structure of the State Board of Education was simple. The 21 representational boundaries of the State Board of Education corresponded to concurrent Congressional districts, and therefore were familiar to most Ohioans. Constituents, for the most part, knew their representatives on the State Board. And although the districts themselves constituted a large area to represent, a State Board seat was a doable task to win, even with a small amount of money.

Starting in 1993 (Senate Bill 162 of the 119th General Assembly), the legislature reduced the number of State Board districts from 21 to 11, making the areas of representation much more expansive and, therefore, expensive to win. And then, in 1995, House Bill 117 of the 121st General Assembly added eight more to the 11 elected seats at the table, to be Governor's appointments.

This change, prompted in part by the State Board's 6-5 vote not to appeal the DeRolph decision, marked a turning point - members were now broken up into 2 categories:

- 1) **11 elected members** in large, sweeping districts which are comprised of three State Senate districts, whose populations were, by Ohio standards, enormous – therefore diffuse – and often economically and demographically disparate. In my judgment, Board members have been extremely difficult to characterize as a representative for that very reason.
- 2) **8 appointed members** – often referred to as "At Large" members. However, in the strictest use of that term, they are not. When we talk about "At Large" City Council members versus Ward Council members, for example, the only difference is the size of the constituency, because both are elected by constituents. The appointed members of the State Board are not elected by anyone and have no direct relationship with their constituencies.

The intended role of the State Board is to provide specific representation about what's happening in our schools and with the system that we, as Ohioans, entrust to educate our children. Just as we, as state legislators, are elected to represent the beliefs of our constituents, an elected State Board member is to do the same, though with a much deeper sense of the complexities of the school system (and often, as former teachers, administrators, and parents themselves). The original 21-member body of the State Board created a fair and balanced approach to do just that, with 21 districts statewide to represent the diverse communities that make Ohio so exceptional. When the numbers of elected representatives were significantly reduced, however, and when 8 appointees were added, the legislature took the Board out of the hands of the voters and created a false sense of representation. The 8 gubernatorial appointments in particular allow the current Governor, of whatever political affiliation, to select the Superintendent and tilt the balance of power in his or her favor.

This is, and should never be, the practice of the body that does critically important work. Despite its structural evolution, one thing has remained the same with the Board: their obligations and duties. The work of the Board is real, and it is tangible. Some of their most fundamental duties include setting academic standards and definitions, establishing test benchmarks, outlining teacher evaluations, approving curriculum content, implementing school funding calculations, just to name a few. And much of the work that they touch is inevitably controversial and political: charter schools, Common Core, standardized testing, etc. In my opinion, adding more politics to work that might inevitably turn political has proven to be the wrong way to go.

I want to also mention that the work of the Board – or, rather, the work that the legislature hands off to the Board – seems to be increasing over time. I have observed that with every new education reform bill, we (the legislature) give more and more to the State Board to, for lack of a better term, “figure out”. I urge you to flip through the K-12 sections of the most recent biennial budget and count the number of times that the language requires the State Board to make rules or recommendations. In concept this makes sense, given the role of the Board as a body with heightened knowledge of the education system, and this would be a preferred route in education policymaking. However, given the fragmented and non-representative makeup of our Board, this has become an increasingly dangerous practice.

For those who might be questioning the pure existence of the Board: I ask you to take a much more deliberate, holistic look at not the work of the Board, or the people on it, but its structure. I suspect that it's become much more difficult for them to operate in this current environment conditioned by the way the Board is currently organized, not the character of the people on it. The current makeup of the Board leaves an illusion of representation that is not actually present, and it's important that we take that into consideration throughout this debate.

The bottom line: the State Board of Education does extraordinarily fine work. Their position should not be seen as yet another policymaking silo, but as a necessary partner to lawmakers and the Department of Education to ensure that our children achieve their fullest potential. I urge you to consider returning to the all-elected model that served us well prior to 1993. Considering the State Board's increasing role in state policymaking, a balanced membership is more important now than ever to ensure fairness in the process and effective communication between the Board, the legislature, and the citizens of Ohio.

Thank you.