

Opposition Testimony – HB 12
House Primary and Secondary Education Committee Hearing
March 21, 2023
Presented by Susan Kaeser, LWVO Issue Specialist
1554 Compton Road, Cleveland Heights

Chairman Bird, Vice Chairman Fowler Arthur, Ranking member Robinson, my name is Susie Kaeser and I appreciate the opportunity to share my thoughts with the committee about HB 12 at this important stage of the legislative process. I live in Cleveland Heights, my children were educated in our public schools, and I have been an advocate for public education and its role in our democracy and as a resource for equal opportunity, for more than 40 years. For the last three years I have served as an education specialist for the League of Women Voters Ohio.

The evolution of Ohio's constitution shows that we keep trying to improve state government. Hallmarks of those changes include giving voters a greater say in who carries out the work of governing, and providing for checks and balances across branches of government.

HB 12 changes the way we govern education in Ohio, but it fails to improve governance. It concentrates power in the hands of a few, ends decision making by elected representatives, and ends public input and debate. The public has less say – not more.

While HB 12 is ostensibly designed to improve the effectiveness of our public schools by changing their governance system, the proposed remedy misses the mark. None of the complaints that proponents offer to justify this jump shift away from representative governance will be resolved. In stead of curing the patient, this prescription is more likely to kill it.

Power can be used for good or ill purposes. I am deeply concerned about the harm that can be inflicted on our children and the quality of education they receive, on the reputation of our state, and on democracy by stripping the elected state board of education of its powers and handing them over to an education czar appointed by the governor. The legislature's refusal to regulate the charter school industry, for example, and the corruption that it generates, makes us the laughing stock of the nation. Then there is the matter of refusing to repeal the 3rd grade guarantee knowing full-well that students have experienced significant learning losses due to the pandemic. What other ill-conceived ideas will hold sway outside the light of public accountability?

Public education is a primary responsibility of the state legislature and receives the largest percent of state resources. It touches every community and more than 1.6 million children. It is a marvelous public institution. The elected members of our state board are in touch with their constituents, know the needs of our communities, are informed about how education is working across our 610 school districts, and are passionate about education. Who exactly will represent the diverse needs of our students, perspectives of our citizens, and challenges of our communities when it comes to making significant

decisions about the direction of education policy under your system? An individual appointed by the governor?

While the Governor can veto your legislation, you can't veto his. There are no checks and balances in this situation. No one should have that much power over a function of state government that touches so many lives and has that much importance to all of us.

Let's be clear. While the governor is an elected official, no one is elected to that position based on their beliefs about education. A significant strength of having an elected state board is that the public has a chance to focus specifically on the education views, credentials, and values of those who will make decisions that affect their communities. It produces multiple perspectives, and rule makers who can represent the diverse interests of the state. It makes governance responsive.

When voters select who represents them on the state board of education, they have a voice. An elected board conducts its business in public and permits public input. This is the best way to iron out competing ideas and weed out bad ones. This structure secures educator and citizen input and in so doing, increase their investment in the policies that board members devise. Furthermore, it insulates the decisions from the whims of lawmakers and governors. SB 1 wipes out these features and protections.

If responsibility and authority for making education policy is given to one person and that person is appointed by the governor, the power of our ideas and the relevance of our concerns are lost. The governor already has the power to veto your education laws. This new structure gives one person the ability to control the regulations and implementation of those bills. Their judgment or opinion or ideology will dictate what happens. Not only will voters have less influence – so will you.

In the last 50 years public education has been transformed from a nonpartisan issue and undisputed fundamental responsibility of state government, into a partisan football where the very purpose of education is up for grabs as is the commitment to telling the truth, valuing every person, ensuring equal opportunity, separating church and state, and satisfying the constitutional obligation to guarantee equal education opportunities for all public school children. Some policy makers believe individual rights are more important than the common good, and that a public system is no longer needed.

The lack of consensus in the public debate makes real representation, and the opportunity for full public engagement in the rule and lawmaking process more important than ever. We know democracy can be messy. However, assigning so much power to the Governor may prove to be cleaner, it won't be better. It will inhibit informed debate, accountability to voters, and leave plenty of room for misdeeds.

During this contentious era, it is more important than ever to make education policy making transparent, responsive, and accountable. An education czar does the opposite.

One size does not fit all in education. Education policy making is far from simple. When meeting the needs of diverse children, from diverse communities, who have varied opportunities and various goals for their lives - we need room for all of this difference. This bill is promised as some kind of remedy for unmet aspirations. Don't be fooled. Changing governance will not reduce the complexity that abounds when creating a public education system in the 21st century. There is no silver bullet.

The LWVO opposes HB 12 because it concentrates too much power in one person's hands. It removes the public voice in selecting who guides education policy and closes the public out of the policy making process itself. In fact, due to a study a few years ago, the LWVO position supports a completely elected

State Board of Education. HB 12 is wrong. It's a far cry from the process that produces good solutions; a process that encourages diverse views, informed debate, professionalism and accountability.

When voters approved the 1851 Constitution, they claimed a right to have a greater voice in who does the work of the people. HB 12 rejects this important part of our history. I urge you to reject this bill, and replace it with a governing structure that makes all members of the state board elected and permits the messy work of democracy to proceed.