

January 14, 2016

Good morning. My name is Tom Gunlock. In addition to my position as Director of Construction and Property Management at RG Properties in Dayton, it is my privilege to serve as a member and current president of the State Board of Education.

I would also like to introduce my colleague Tess Elshoff. Ms. Elshoff serves as Vice President of the State Board of Education.

I appreciate the invitation to address the Education, Public Institutions, and Local Government Committee of Constitutional Modernization Commission regarding the role of the State Board of Education.

I would like to preface my remarks by clarifying that I am not here today representing the State Board of Education. My testimony and comments today are mine alone and are not necessarily shared by all of my fellow board members. It is also important to understand that my sole motive in serving as a member of the State Board and my comments this morning is a desire to improve educational opportunities and outcomes for the children of Ohio. I harbor no political aspirations.

Many of you may be unfamiliar with the State Board of Education. The Board is comprised of 19 members with 11 members elected and 8 members appointed by the governor. Each elected member represents 3 contiguous State Senate districts or approximately 1 million people. The elected board members struggle for name recognition and to tell their story to the 1 million voters who will elect them to a four-year term. The 11 elected members represent more constituents than every other elected official other than those elected on a statewide basis. The Governor makes four appointments every two years with the advice and consent of the Ohio Senate. At least four of the appointed members represent Ohio's rural school districts. Each member is either appointed or elected for a four-year term. State Board members are subject to term limits and may only be elected or appointed to two four-year terms. The chairs of the House and Senate Committees on Education serve as ex-officio members of the State Board of Education.

Nineteen voting members, eleven elected and eight appointed members with two nonvoting members creates a much larger board than most boards in other states.

The State Board of Education meets in Columbus monthly (except August) for two days. Occasionally board committees also meet between the monthly meetings of the full board.

In November of 1953 the voters of Ohio passed an amendment to the state constitution to create a State Board of Education. The amendment, although somewhat contentious, was simple:

*“There shall be a state board of education which shall be elected in such manner and for such terms as shall be provided by law. There shall be a superintendent for public instruction, who shall be appointed by the state board of education. The respective powers and duties of the board and of the superintendent shall be prescribed by law.”*

In a nutshell, the state constitution requires a State Board, a state superintendent appointed by the State Board with all details to be defined in state statute.

The overwhelming majority of states have a state board and state superintendent, but no state has a governance structure quite like Ohio's. The size of the board and the combination of appointed and elected members who select the state superintendent are somewhat unique.

Attached to my testimony is a copy of the Education Commission of the States' report *State Education Governance Models* that describes the various state governance structures.

When the new State Board of Education met for the first time in January of 1956, the board totaled 23 members, one elected from each congressional district. The legislature spelled out the duties of the board in Section 3301.07 of the Revised Code: The State Board of Education *"shall exercise under the acts of the General Assembly general supervision of the system of Public Education in the state. The board shall exercise policy forming, planning and evaluation functions of the public schools"*. In addition to the general oversight of the elementary and secondary education system the Revised Code gives the State Board responsibility to issue educator and staff licenses as well as revoking licenses in cases of unprofessional conduct.

For some time the State Board generally operated somewhat under the radar. Not many people knew what the State Board of Education did or that it even existed. But as this country's and Ohio's economy began to shift away from a primarily industrial model the importance of education for both society and the individual placed increasing demands on our system of education. Unfortunately Ohio's somewhat splintered governance structure may be interfering with our ability to meet those challenges.

We have three different organizations creating education policy in this state. We have the Governor, the General Assembly and the State Board of Education. Each chamber in the General Assembly has one or more standing committees that deal with education. Two joint legislative committees the Joint Committee on Agency Rule Review and the recently created Joint Education Oversight Committee also provide oversight. The nineteen members of the State Board of Education, part elected and part appointed select a state superintendent with no direct link to either the governor or the legislature.

Complicating matters is the high turnover among both elected and appointed board members. And although the board members are elected on a non-partisan ballot, in recent years we have seen increased emphasis on political affiliation with some candidates running as a "slate."

I believe it is ridiculous to think for one minute that the Ohio Department of Education or individual school districts can be successful with this many bosses, competing priorities and agendas. Remember, primary and secondary education in Ohio is a \$20 billion a year operation with children's futures at stake. It's difficult to imagine any organization being successful under those conditions.

In my opinion the current governance structure is simply not working.

We are doing a great injustice to the employees of the Department of Education and school districts around the state. We are putting undue stress on employees and more importantly we are being unfair to our students at a time when they most need our help.

In 1953 the voters of Ohio understood that the world had changed. Ohio's education system and how it operated needed to change to better address challenges of the post-World War II era.

But it's no longer 1956 or even the 20<sup>th</sup> Century. The challenges we face today are not the same as those faced sixty years ago. Our education system, including the governance structure, must recognize and adapt to reality.

We must do better. I believe we can do better. I respectfully ask that this committee examine this issue and consider changes to streamline and improve this system.

Thank you for the opportunity to speak to you today. I would be happy to answer any questions you may have.



## Governance

## State Boards/Chiefs/Agencies

Education Commission of the States • 700 Broadway, Suite 801 • Denver, CO 80203-3460 • 303.299.3600 • Fax: 303.296.8332 • www.ecs.org

### State Education Governance Models

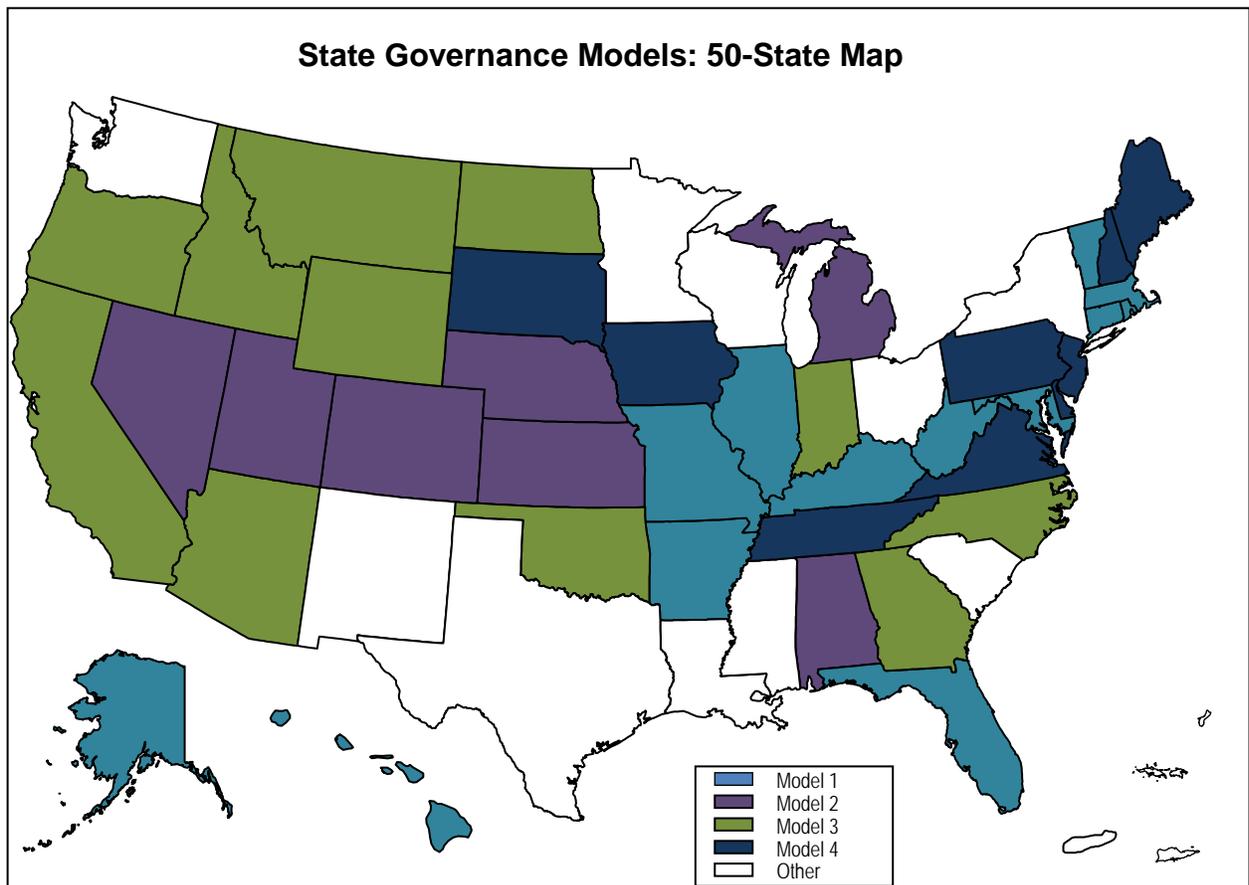
Updated and Revised by Mary Fulton

January 2011

(Original version, Todd Ziebarth, 2004)

Education governance structures differ from state to state and directly affect how education policy leaders interact. Understanding the differences between structures can help explain the education policy process in terms of how decisions are made and the how authority is divided.

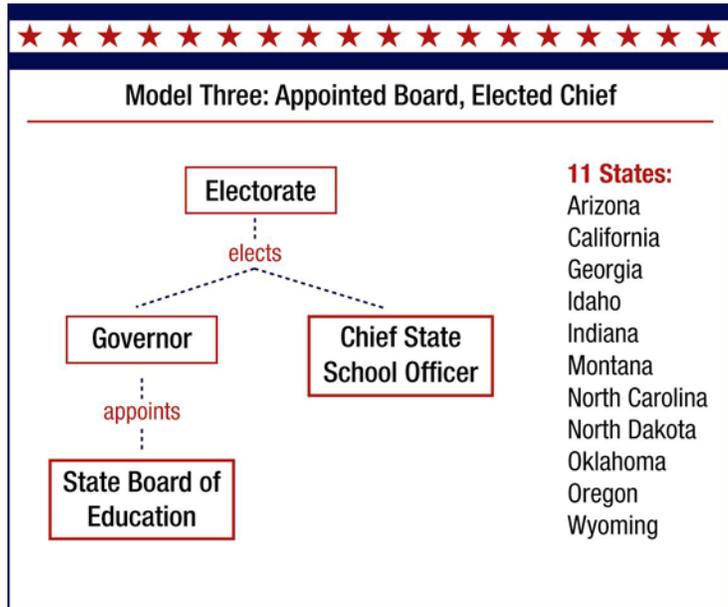
State education governance structures can be categorized into one of four general models that describe how state boards of education are constituted and whether the chief state school officer is appointed or elected. Forty of the 50 states fall into one of these categories; the other 10 states, plus the District of Columbia, have governance structures that are modified versions of the four general models.





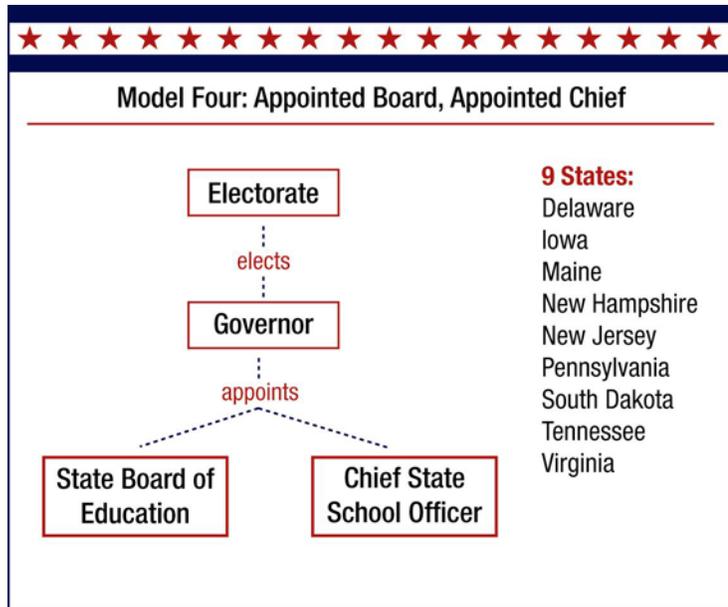
## Model Three

In this model, the governor appoints the members of state board of education. The chief state school officer is elected. Model Three includes 11 states: **Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, Oregon and Wyoming.** In three of these states – Arizona, Indiana and Oklahoma – the chief state school officer also is a voting member of the state board of education.



## Model Four

In this model, the governor appoints the state board of education and the chief state school officer. There are nine Model Four states: **Delaware, Iowa, Maine, New Hampshire, New Jersey, Pennsylvania, South Dakota, Tennessee and Virginia.**



## Other Governance Models

The remaining 10 states plus the District of Columbia function under modified versions of the above four models.

The 10 states include: Louisiana, Minnesota, Mississippi, New Mexico, New York, Ohio, South Carolina, Texas, Washington and Wisconsin.

### A. *Elected/Appointed State Board; Appointed Chief*

In **Louisiana**, eight board members are elected and three are appointed by the governor. In **Ohio**, 11 board members are elected, while the governor appoints eight members. In both states, the chief is appointed by the state board.

### B. *Legislature Appoints State Board; Appointed or Elected Chief*

In **New York**, the state legislature appoints the board members and the chief state school officer is appointed by the board. The **South Carolina** legislature appoints the board, but the chief is elected.

### C. *Joint Appointment of State Board; Appointed or Elected Chief*

The governor, lieutenant governor and the speaker of the House appoint members to the state board in **Mississippi**. The state board appoints the chief state school officer.

In the state of **Washington**, the chief state school officer is elected the board of education is made up of 16 members:

- Five elected by district directors (from western and eastern Washington)
- One elected by members of state-approved private schools
- Superintendent of public instruction
- Seven members appointed by the governor
- Two student members (non-voting)

### D. *Elected Board; Governor Appointed Chief*

In **Texas**, the state board of education is elected. The governor appoints the chief state school officer who also serves as the executive secretary of the state board.

### E. *No State Board or Advisory Only; Elected or Appointed Chief*

**Minnesota** and **Wisconsin** do not have a state board of education. **New Mexico** has an elected body (Public Education Commission), but it is advisory only.

Minnesota and New Mexico – chief state school officer is appointed by governor

Wisconsin – chief state school officer is elected

The **District of Columbia** has an elected board of education. The District of Columbia Public Education Reform Amendment Act of 2007 created a new state board of education that advises the state superintendent and approves specified policies. Previously, the board oversaw day-to-day operations of schools. This act also gave the mayor primary responsibility for public education, including the authority to appoint the school superintendent and chancellor.

### *Territories*

**Guam** has an elected board of education, which appoints the chief state school officer. **Puerto Rico** currently maintains an educational model in which the chief is appointed by the governor. In the **Virgin Islands**, the board of education is elected and the chief state school officer is appointed by the governor.

## **Summary: State Boards of Education**

### **Appointed by Governor** (33 states)

Alaska, Arkansas, Arizona, California, Connecticut, Delaware, Florida, Hawaii, Georgia, Idaho, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Missouri, Montana, New Hampshire, New Jersey, North Carolina, North Dakota, Oklahoma, Oregon, Pennsylvania, Rhode Island, South Dakota, Tennessee, Vermont, Virginia, West Virginia and Wyoming

### **Elected** (8 states)

Alabama, Colorado, Kansas, Michigan, Nebraska, Nevada, Texas and Utah

### **Appointed and Elected** (2 states and D.C.)

Louisiana and Ohio; District of Columbia (advisory only)

### **Appointed by Legislature** (2 states)

New York and South Carolina

### **Appointed by Multiple Authorities** (2 states)

Mississippi and Washington

### **No State Board or Advisory Only** (3 states and D.C.)

Minnesota and Wisconsin (no board); New Mexico and District of Columbia (advisory only)

## **Summary: Chief State School Officers**

### **Appointed by Governor** (12 states and D.C.)

Delaware, Iowa, Maine, Minnesota, New Hampshire, New Jersey, New Mexico, Pennsylvania, South Dakota, Tennessee, Texas and Virginia. The District of Columbia mayor appoints the chief state school officer.

### **Appointed by State Board of Education** (24 states)

Alabama, Alaska, Arkansas, Colorado, Connecticut, Florida, Hawaii, Illinois, Louisiana, Kansas, Kentucky, Maryland, Massachusetts, Michigan, Mississippi, Missouri, Nebraska, Nevada, New York, Ohio, Rhode Island, Utah, Vermont and West Virginia

### **Elected** (14 states)

Arizona, California, Georgia, Idaho, Indiana, Montana, North Carolina, North Dakota, Oklahoma, Oregon, South Carolina, Washington, Wisconsin and Wyoming

## **Governors' Cabinets with Education Representation**

According to state Web sites, at least 25 governors appoint an education official to the executive cabinet. Such officials may be the superintendent of education, commissioner of education or secretary of education. These states include: **California, Colorado, Connecticut, Delaware, Georgia, Idaho, Kentucky, Louisiana, Maine, Massachusetts, Maryland, Michigan, Minnesota, Missouri, Nevada, New Jersey, New Mexico, North Carolina, Oklahoma, Pennsylvania, Puerto Rico, South Dakota, Tennessee, Virginia** and **West Virginia**. In addition, the state superintendent of education for the **District of Columbia** serves on the mayor's cabinet.

## **Dual Offices for Education**

Five states and the District of Columbia maintain a governance model that includes two authoritative positions for the state educational system:

- **California** has a Secretary of Education and also a Superintendent of Public Instruction who serves on the governor's cabinet. The Secretary of Education position has been vacant since January 2011. (*CAL. EDUC. CODE* §33100 to 33191; *CA. CONST. ART I, §2 and §7*)

- **Kentucky** has a Secretary of Education and a Commissioner of Education. (*KY. REV. STAT. ANN. §§156.147 to 156.250*)
- **Massachusetts** has a Secretary of Education and a Commissioner of Education. (*Mass. ANN. Laws ch.27. §§14A.*)
- **Oklahoma** has a Secretary of Education and a State Superintendent of Education (*OKLA. STAT. ANN. tit. 70, § 3-118*)
- **Virginia** supports a Secretary of Education (a cabinet position) and a Superintendent of Public Instruction. (*VA CODE ANN. §22.1-21 to 22.1-24 and 2.2-200*)
- **District of Columbia** has a State Superintendent of Education and a Chancellor of Education, both appointed by the mayor. District of Columbia Public Education Reform Amendment Act of 2007. (*D.C. Official Code § 1-206.02(c)(1)*)

**Other ECS Resources:**

P-20 Governance

(Jennifer Dounay Zinth, January 2011)

<http://www.ecs.org/clearinghouse/91/14/9114.pdf>

*Mary Fulton is a policy analyst with the ECS Information Clearinghouse.*

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