

[LETTERHEAD]

June 22, 1998

Deliver directly to:

The Honorable Richard Riley
Secretary of the U.S. Department of Education
400 Maryland Avenue, SW R.O.B. 6
Washington, DC 20202

Deliver directly to:

The Honorable Alexis Herman
Secretary of the U.S. Department of Labor
200 Constitution Ave., NW
Washington, DC 20210

RE: Elected official barred from School-to-Work meetings

Dear Secretaries Riley and Herman:

I am a duly elected member of the Ohio State Board of Education (SBE) with approximately one million people residing in my district. Section 3301.07 (C) of the Ohio Revised Code directs the SBE to administer and supervise the allocation and distribution of all state and federal funds for public education in Ohio. Accordingly, I have an obligation to be fully informed regarding education matters affecting my constituents.

Seeking to stay abreast of School-to-Work (STW), I made arrangements to attend a meeting sponsored by the National School-to-Work Office (NSTWO) on June 14-18, 1998, in Cleveland, Ohio. Forty-three states and Puerto Rico were represented. I was formally introduced and welcomed from the podium by Ohio's STW director, and I attended the Sunday through Tuesday morning sessions without incident.

On Tuesday afternoon, Ivan Charner of the Academy of Educational Development (operator of the NSTWO's Learning Center) told me I could not attend his closed "strategy" meeting for the eight states that received first-round STW money. I find it incredible that those who claim that STW is good for kids, good for the economy, good for our nation, and worthy of replication find it necessary to conduct the public's business behind closed doors, and I told him so. A woman nearby said, "Well, the FBI meets behind closed doors," and I thought to myself, "Good grief, this is worse than I thought; these people think a STW meeting is on par with an FBI operation."

Mr. Charner referred me to Ms. Irene Lynn, Interim Director of the NSTWO. She confirmed that I was not welcome, saying: "It is just *not* an open meeting; it is a non-public meeting." I asked, "Who is paying for this meeting?" and she acknowledged that taxpayers were. I asked who decided to keep me out and she said that she had. I asked what the NSTWO was trying to hide, and she said it was just a "working meeting," and that government workers often get together for such meetings, and nothing was being hidden.

These were not routine staff meetings. Participants had flown in from all across the country to meet in a swanky hotel, at taxpayer's expense, to identify and discuss "obstacles" that they face in moving the STW agenda forward and to develop "strategies" to overcome those "obstacles."

Ms. Lynn also told me that I could not attend the Communications Task Force meetings on Wednesday and Thursday. She said that legal counsel had already been sought to determine whether I could be barred from their meetings, and that the decision was in the affirmative. I asked, "What would happen if someone that you didn't want to be here simply walked in, took a seat, and silently observed the meeting?" She replied: "We would shorten the meeting."

Ms. Lynn attributed the “problem” to my “not understanding STW” and used the common, and offensive tactic of characterizing those who do not blindly embrace STW as being “misinformed” or “lacking in understanding.” When I pointed that out, Ms. Lynn corrected herself and acknowledged that the “problem” is philosophical in nature, not informational.

It is no secret that I have serious reservations regarding the STW *system*. I have researched it extensively, and I have made that research available to my constituents via my web site -- to the chagrin of STW devotees who seek to hide the full scope of STW from the American people for as long as possible using whatever means necessary. Thus, they attempt to conduct the people’s business behind closed doors, or only in the presence of the Enlightened. This bureaucratic tyranny undermines rational, open disagreement -- the hallmark of civil liberty in the arena of government.

To reaffirm that there was a concerted effort to bar me from the meeting, on Wednesday morning I entered the Communications Task Force meeting room and stood at the back of the room. Stephanie Powers, Director of Communication & Public Affairs, Office of the Assistant Secretary, U.S. Department of Labor, Employment & Training Administration; and Peter Woolfolk, Special Assistant for Communications, Vocational and Adult Education, Office of the Assistant Secretary, U. S. Department of Education, insisted that I leave.

One can only wonder what NSTWO was trying to accomplish by barring me from the meeting. One might reasonably conclude that the decision to oust me was considered to be the lesser of two evils, i.e., the repercussions of doing so being less problematic than risking full disclosure of what took place during the meetings. I also found it troubling when Ms. Powers said that I need to understand that “Congress has provided for these business meetings” -- implying that Congress would approve closed-door STW meetings.

Ms. Powers said that she knew that we did not agree on STW. As I told Ms. Powers, STW is *not* the issue -- it is whether the general public, through their elected representatives, have access to critical public information regarding the work being done to re-shape our schools, our economy, and our system of government. She had no reply. Knowing that the meeting would have been “shortened” had I stayed, I left the hotel, but there are still questions that need to be answered:

- By what authority did Mr. Charner, Ms. Lynn, Ms. Powers, and Mr. Woolfolk bar me from the meetings?
- Why was it *imperative* that the public’s business be conducted behind closed doors?
- And, if STW is indeed good for kids and *essential* for the good of the economy, why must the details be kept hidden from public scrutiny?

NSTWO has yet to provide me with copies of Ohio’s Urban/Rural Opportunities Grants, claiming that they cannot do so unless the grantees give the NSTWO permission to do so. Any attempt to make the release of public records contingent on the one seeking the information first getting permission from the recipient of federal funds is absurd, but it does illustrate the extent to which your employees will go to restrict the flow of information. Therefore, pursuant to the FOI Act, please see that I get a copy of each Ohio UROG grant including the budget narratives and appendices, as well as the following documents relevant to the June 14-18 STW meeting in Cleveland: the communication from legal counsel regarding closed-door meetings; all RFP’s, SGA’s, and contracts (including facilitation and technical assistance) with appendices and the budgets; a list of all disbursements including date, amount, vendor, and purpose; all notes taken by staff and “recorders”; all overheads, handouts, background material, audio tapes, and videos, and candidate applications, including résumés and appendices, of those applying for the position of Director of the NSTWO.

This is not a letter of complaint; it is a declaration: your people are out of control. This letter also serves as formal notification that concealment of public information, unless required for national security, will not be tolerated. Furthermore, I am seeking legal counsel to determine if any state or federal laws have been broken regarding this matter.

The purpose of government is to *serve* the interests of the people – not to develop legislative agendas, refine implementation strategies, and create marketing plans behind closed doors. Apologies from bureaucratic bullies who willfully prevented me from gathering the background information to enable me to carry out the duties of my office would be meaningless. Ms. Lynn, Ms. Powers, Mr. Woolfolk, and Mr. Charner, should be fired and their positions filled by people who have a firm understanding of, and respect for, how representative government is supposed to work.

Please give this letter your prompt attention. I look forward to receiving your personal letter of reply.

On behalf of my constituents,

Diana M. Fessler
Ohio State Board of Education -- Third District
7530 Ross Road
New Carlisle, OH 45344
937-845-8428
diana@fessler.com
<http://www.fessler.com>

cc:

U.S. Senator Trent Lott
U.S. Senator John Ashcroft
U.S. Senator Michael DeWine
U.S. Senator John Glenn
Congressman Newt Gingrich
Congressman Dick Armey
Congressman Tom DeLay
Congressman John Boehner
Congressman Henry Hyde
Congressman Peter Hoekstra
Congressman Lindsey Graham
Broadly distributed to interested parties

Comments herein do not reflect the official policy of the state board unless specifically indicated.