

92nd District

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Debbie Phillips
State Representative

Assistant Minority Whip**Committees**

Finance
Agriculture & Natural Resources
Education
Rules & Reference

July 18, 2011

Randy Meyer
Office of the Ohio Inspector General
30 East Broad Street
Suite 2940
Columbus, Ohio 43215-3414

Dear Mr. Meyer:

I am writing regarding the allegations that are surfacing concerning Superintendent Stan Heffner and a possible conflict of interest with one of the nation's largest testing companies.

As you may be aware, Mr. Heffner has been serving as interim superintendent for public instruction. Prior to becoming interim superintendent, he had accepted a position with Education Testing Service (ETS), the company that provides certification tests for all Ohio teachers. After he accepted the position and while still in his official position, Mr. Heffner gave testimony before the Senate Finance Committee in support of legislation that likely meant significant revenues for his new employer. This official action on his part seems to violate the spirit, if not the letter, of Ohio's ethics law.

I am aware that this matter has also been referred to the Ohio Ethics Commission, but the fact that your office has concurrent jurisdiction, as well as the power to investigate waste and wrongdoing and recommend agency improvements, more than justifies action on your part.

The education of Ohio's children is our most important responsibility, and we must have a Superintendent and Department of Education that are above reproach. I am deeply concerned about the matters raised by Mr. Heffner. Due to the troubling nature of these allegations and because it is essential that the head of the Ohio Department of Education is beyond reproach, I request that you investigate this matter to determine if any illegal or wrongful acts were committed.

In particular, such an investigation should seek to answer the following questions:

- Did Stan Heffner know at the time of his testimony before the General Assembly whether the passage of House Bill 153 in the form specifically recommended by him would benefit his future employer, Educational Testing Services (ETS)?
- Does Mr. Heffner's recent appointment violate the Ohio Revised Code, which prohibits superintendents of public instruction from having financial or employee connections with education publishing companies?
- What reasons justified the change in Department of Education policy underlying Mr. Heffner's testimony in support of expansion of teacher testing?



- Does the Department of Education have in place proper policies to check for, monitor, and control potential and actual conflicts of interests for employees who are coming into the Department from the private sector and/or who have announced that they are leaving for the private sector?
- What other Department employees in policy-making positions currently have job offers from state contractors?
- When did Stan Heffner begin discussions with ETS about future employment?
- Did Heffner immediately notify superiors of his discussions about employment with ETS? If so, whom and when?
- Did Heffner recuse himself of any decision-making about or oversight of the use testing products supplied by ETS?
- What policies does the Department have to firewall employees with potential or actual conflicts of interest?
- When asked to testify on behalf of HB153 and specifically provisions related to teacher testing, did Heffner notify anyone at the Department, the Board or the Governor's office of his future employment with ETS? Was a decision then made that no conflict existed?
- What other decisions affecting ETS did Stan Heffner make during his tenure at the Department, particularly during that period extending from the date he first sought a job with ETS, through interviews and negotiations, and all the way until he was announced as the new Superintendent?
- Who wrote the testimony Heffner gave in front of the Senate Finance Committee?
- Did ETS condition (either actual or implied) Stan Heffner's future employment (or salary or bonus) with ETS upon the spending of additional public monies for teacher testing or other programs that would benefit ETS?
- Did Stan Heffner promise or imply that he could influence either the Department of Education or the General Assembly in the spending of additional public monies for teacher testing or other programs that would benefit ETS?
- Was the compensation package offered to Stan Heffner consistent with industry standards, or did it contain any unusual "bonus" or other front-loaded compensation?
- Did Stan Heffner have any actual (not future) financial interest in ETS at the time of his General Assembly testimony?





Please let me know if there is anything I can do to assist you in this matter. Thank you very much for your time and consideration.

Sincerely,

A handwritten signature in cursive script that reads "Debbie Phillips".

Representative Debbie Phillips