

State Officials in Ohio Should Understand the History of the State Agency for Public Education and Respect the Constitutional Provisions for It.

In the waning days of the 134th General Assembly, the President of the Ohio Senate ramrod the legislature a bill that would transfer the substantive powers and duties of the Ohio Department of Education (State Board of Education, Superintendent of Public Instruction, and Department of Education staff) to the Governor's office. This effort was thwarted by certain members of the House of Representatives.

The haste to accomplish this sinister deed was, no doubt, to keep the issue from being thoroughly vetted. Extensive hearings would have allowed light shed on the fact that mere transfer of powers and duties provides no silver bullet to improve state level governance of education. Constitutional issues are also involved.

The Senate leadership of the 135th General Assembly, according to media reports, is bent on reviving the transfer matter.

This bad idea needs to be stopped in light of the history of state governance of public education.

Horace Mann, the "father" of the American common school, was appointed Secretary of the Massachusetts Board of Education in 1837; the same year the Ohio legislature created the position of Superintendent of Common Schools and employed Samuel Lewis as Superintendent. The absence of a state agency for education in the years prior to 1837 left the state rudderless in education policy and practice. In fact, the state legislature squandered much, if not most, of the land set aside via the 16th section of each township for school purposes because no state agency was established to manage the program.

Samuel Lewis in his first annual report lamented the travesty of how the state allowed this significant "public asset to be looted".

In 1840 Samuel Lewis resigned from the position and the legislature eliminated the position and assigned the state education agency duties to the Secretary of State.

Delegates to the Constitutional Convention of 1850/1851 were appalled at the legislature's neglect of education and assigned the legislature the duty to secure a thorough and efficient system of common schools.

Convention Delegates debated a provision to establish in the Constitution a chief state school officer position, but did not include such in the final version of the Constitution; however, in the 1853 legislation enabling the common school provision, the legislature created the office of State Commissioner of Common Schools to be elected on a three-year cycle. With this action the state initiated an enduring concept of a state agency to provide leadership for public education.

State Commissioners of Common Schools, by way of annual reports and interactions with the various legislatures through the years, spurred the state officials to expand education

opportunities. Previous to 1853, with the exception of Samuel Lewis' 1837-1840 stint as Superintendent of Common Schools, there was not a state agency with the sole responsibility for public education; hence, local education leaders and personnel formed associations to lobby state officials to expand educational opportunities. The presence of local education associations continued to influence state education policy and practices even after the State Commissioner's office was established.

Delegates to the 1912 Constitutional Convention included two education provisions that were approved by voters in September 1912. One of the amendments, Article VI, Section 3: "make provision by law for the organization, administration and control of the public school system, supported by public funds." The other said provision was the establishment of the office of Superintendent of Public Instruction, which replaced the office of State Commissioner of Common Schools.

Governor James Cox acted upon the constitutional amendments with a significant sense of urgency. He challenged the legislature to act. He appointed a School Survey Commission, called upon local school officials and personnel to hold discussions at their school buildings to make recommendations, and called together a statewide education congress. All of these actions were taken to inform the legislature on the need to enact appropriate legislation. Four major education bills were enacted as a result of the input of a multitude of Ohioans. The newly created office of Superintendent of Public Instruction was assigned to the governor's office.

A constitutional amendment was proposed in 1939 to establish a State Board of Education, but voters at that time rejected it; however, in 1953, subsequent to a massive campaign of primarily state and local education organizations, Ohio voters approved an amendment to establish a State Board of Education and Superintendent of Public Instruction to be appointed by the Board. Article VI, Section 4: "There shall be a state board of education which shall be selected in such manner and for such terms as shall be provided by law. There shall be a superintendent of 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."

It is noteworthy that Governor Frank Lausche publicly opposed the 1953 amendment. It is fair to say that no governor since the establishment of the State Board in January 1956 has been comfortable with having an "independent" State Board of Education. Some governors have actively worked to get rid of it. Governor Voinovich worked extremely hard to secure an all-appointed Board, but had to settle first for a reduced number of elected members, and later for 8 appointed members added to the 11 elected members.

Past legislatures have been reluctant to thwart the intent of, and thus the will of, the people, which was to separate the State agency from the office of the Governor.

Local Boards of Education historically have been non-partisan, elected bodies independent of other political subdivisions. They have operated as a fourth branch of government. At the state level, education agencies have been governed under various models. In 1953 Ohioans chose

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the independent Board of Education model. It should be treated as a fourth branch of government. Hence to transfer the powers and duties of the State Board of Education to the Governor's office is wrong-headed.