

**Unbelievable—Senate Bill 1, the Bill to render ineffective the State Board of Education violates the 1953 constitutional amendment which established the Board.**

The Department of Education in Ohio is comprised of the State Board of Education, the superintendent of Public Instruction and the staff. Prior to the 1953 amendment, the education department, including the Superintendent of Public Instruction and staff (state education agency), constituted an administrative arm of the Governor's office. This arrangement had been in place since 1913 after the Delegates to the 1912 Constitutional Convention proposed to replace the State Commissioner of Common Schools with the Superintendent of Public Instruction, which proposal, the citizens of Ohio approved on a statewide ballot. In 1939 a constitutional amendment proposal to establish a State Board of Education failed by a near two to one margin. The Depression may have been a factor in the overwhelming defeat.

In 1953 Ohioans passed a constitutional amendment to establish a State board of Education and Superintendent of Public Instruction to be selected by the Board. Prior to the 1953 amendment, the state education agency was completely under the control of the Governor. The State Board of Education, with the newly selected Superintendent of Public Instruction, began operation in January 1956; hence the state education agency operated as a 4<sup>th</sup> branch of government until the mid-1990's when legislation was enacted to allow the appointment of eight members by the Governor.

Article VI, section 4 of the Ohio Constitution states that the respective powers and duties of the Board and Superintendent of Public Instruction shall be prescribed by law; however this language does not authorize the legislature to transfer the core functions of the State Board to the Governor's office. The 1953 amendment transferred the core functions from the Governor's office to the State Board. That is why the amendment was passed.

The legislature should deal with this matter in a manner that respects the intent and language of the Constitution. This question should be submitted to the citizens of Ohio to determine if the 1953 amendment should be reversed.