

**Response to an April 5 Columbus Dispatch guest column by a State Representative supporting the transfer of the powers and functions of the State Board of Education to the Governor's office.**

This response provides information that can be used to resist the misinformation some state officials spread in support of House Bill 12 and Senate Bill 1.

Public education leaders, personnel and advocates need to realize that derailing local elected boards of education could be the next step in the grand scheme to privatize education.

A recent [Guest Column](#) in The Columbus Dispatch regarding the transfer of the State Education Agency from the State Board of Education to the Governor's office by Representative Josh Williams lacked evidence that the move would improve education. It also lacked a historical and legal rationale for the transfer. In fact the move embodied in House Bill 12 and Senate Bill 1 is under the storm cloud of a constitutional provision that would disallow such legislation.

Representative Williams suggests without a shred of evidence that student test scores and racial gaps will automatically improve by shifting the core functions of the State Board of Education to the Governor's office. Likewise he proffers that career/technical education will blossom with this mere change in the state education governance structure.

He opines that the State Board of Education is a mess; that it is overly politicized, unaccountable, and non-transparent. He implies that a lag in workforce development and unacceptable student academic performance is primarily the fault of the State Board of Education.

Observers of the Ohio legislature might conclude that the legislature is a mess, overly politicized, unaccountable, and guilty of operating behind closed doors. Some might suggest that the failure of the various general assemblies since the 1997 Ohio Supreme Court order to overhaul the school funding system is a significant factor that contributes to the perception that the State Board of Education has failed. It is a real "mess" that a quarter century has passed in which two generations of students have gone through an unconstitutional public school system. That narrative suggests that some state officials other than members of the State Board of Education are unaccountable, possibly lawless.

The arguments proffered for moving the State Education Agency to the Governor's office are misleading and without substance. Locating the State Education Agency in the Governor's office will not change the demographics of communities that are struggling with poverty, crime and drug addiction; and thus, undesirable educational outcomes. The switch will not change test scores, career/technical program opportunities, or any other educational opportunities or

education outcomes. These communities need appropriate education and human resources, not a different state-level governance structure.

The transfer of the State Education Agency to the Governor's office has little to do with education; it is all about centralizing control. If the legislature is concerned about the performance of the State Board of Education, it should restore the state policy of an all-elected board, one member from each congressional district. That can be done in a heartbeat by legislation.

The State Board operation as originally legislated provided stable, consistent leadership and was highly regarded by local school community folks. There were only three Superintendents of Public Instruction from 1956-1992, which facilitated the efforts of the State Board to effectuate quality education programs and standards. The State Board in the 1970's and 1980's established a comprehensive K-12 vocational/career/technical [continuum](#) that was considered a national model. The addition of appointed members to the Board in the mid-1990's changed the nature, mind-set, and responsiveness of the Board, due to the appointed members' allegiance to the Governor.

If members of the 135th General Assembly are serious about their oath of office, they should approach this matter from a legal and constitutional perspective. From 1853 to 1912 the State Education Agency was operated by an elected State Commissioner of Common Schools. Pursuant to a 1912 constitutional amendment, the Commissioner was replaced by a Superintendent of Public Instruction which was attached to the Governor's office. In 1953 the citizens of Ohio passed a constitutional amendment to establish the State Board of Education and Superintendent of Public Instruction to be appointed by the State Board. Out of respect for the will of the people, the legislature at that time moved the entire state-level education operation to the State Board of Education. The enabling legislation moved the entire Education Agency—not just a part of it—to the State Board.

The General Assembly should respect the will of the people as indicated in Article I, section 2 which states in part, "all political power is inherent in the people." The people removed the State Education Agency from the Governor's office. To move it back, the people should be permitted to vote on the issue.

By what authority can the 135<sup>th</sup> General Assembly reverse the will of the people as expressed in the 1953 amendment? The Constitution is the supreme governing document. The legislature has no authority to legislate away a constitutional provision.