

The response of the Ohio Senate regarding the suit to stop the transfer of the State Board of Education functions to the governor's office suggests the judiciary is not relevant.

A statement made by the President of the Senate published in the September 21 Columbus Dispatch dismisses the role of the judiciary in policy matters: "They should know that the General Assembly and the Governor set policy, not them. (It's) another example of folks believing that courts, and not elected representatives of the people, should direct policy."

For starters, the State Board of Education has been setting education policy since 1956, subsequent to the 1953 amendment that established the board by constitutional amendment. The germane issue at hand in this matter is whether Ohioans have the right to question the constitutionality of legislation churned out by the legislature and signed by the governor. A recent statement to the press by the Senate President—"We can kind of do what we want"—demonstrates why the judiciary is relevant in policy matters.

In 1953 the State Agency for Education was a function of the governor's office. The 1953 amendment moved the state education functions to the State Board of Education created by the amendment.

The legislature, via HB33 (State Budget Bill), overturned this provision in the Ohio Constitution. This blatant attack on the Constitution is absolutely ripe for review by the judiciary.