

# The Ohio Coalition for

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# Equity & Adequacy

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## Of School Funding

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### **Eighteen State Board of Education Members Would Be Elected Under a Legislative Proposal (House Bill 250)**

The State Board was created by a 1953 constitutional amendment. The enabling legislation provided for an elected member from each congressional district. Two recent legislative enactments changed state board electoral districts and how part of the board members are selected for membership.

In 1992, legislation was enacted to reduce the number of State Board members to eleven. Each of the eleven members was elected from new state board districts, each comprised of three senate districts. In the mid-1990s, legislation was enacted to add eight board members to be appointed by the governor. House Bill 250 would provide for the election of State Board members, one from each of the eighteen congressional districts.

A history lesson in state-level education policy development and governance may be instructive. The Constitution requires the legislature to be the supreme "board of education" in fulfilling its responsibility to secure a thorough and efficient system of common schools. However, an agency to look after public education at the state level has been a part of the Ohio scene for more than one hundred fifty years.

In 1837, the legislature of Ohio appointed Samuel Lewis as the first state superintendent of common schools. Lewis' first annual report prompted the legislature to enact school legislation in 1838. Lewis left his post at the end of 1839 and his position was abolished by the legislature. The Secretary of State was then given the collateral duty to make an annual report on the status of common schools. The position of State Commissioner of Common Schools was created in 1853, subsequent to the adoption of the revised Ohio Constitution of 1851.

A constitutional amendment adopted by Ohioans on September 3, 1912 provided for the appointment of a Superintendent of Public Instruction (replacing the position of State Commissioner of Common Schools) who "shall be included as one of the officers of the executive department to be appointed by the governor...". The Superintendent, pursuant to this provision, served at the pleasure of the governor. In 1953, Ohioans adopted a constitutional amendment that established a state board of education and superintendent of public instruction to be appointed by the board. The enabling legislation, in the spirit of the amendment, provided for an elected board. One member was to be elected in each congressional district.

Citizens, elected to their respective boards of education by popular vote, have governed public school districts since the advent of statehood. The only exception to this traditional system of local public education governance in Ohio is in Cleveland. Through recent legislation, the mayor of Cleveland has the responsibility of appointing members to the Cleveland Municipal School District board of education. Public schools operate, administratively and financially separate and apart from municipal, county and township governments. Public schools boards of education operate as a "fourth branch of government." Prior to the 1953 amendment, the state

education agency was an integral part of the governor's executive operation. The enabling legislation for the 1953 Constitutional amendment separated the education agency functions from the governor's operation and established the elected state board of education as a "fourth branch of government" just as is the case of local school districts.

A state board of education whose members are appointed by the governor thwarts the spirit, if not the letter, of the 1953 constitutional amendment establishing a state board of education. Prior to 1953 the state education agency was controlled by the Governor. Ohioans voted in 1953 to establish a new system of governance for the state education agency. The legislature at that time respected that vote of the electorate and determined that the state board of education would be elected rather than appointed by the governor, thus removing direct control from the governor.

An elected state board of education is accountable to the electorate and operates in cooperation with the governor but somewhat independent of the governor's office. An elected board creates a different culture within the state education agency than a body appointed by the governor. An elected board has the freedom and the opportunity to generate ideas, plans, policies and budget recommendations that may or may not be compatible with those of the governor's office. State education agency personnel are free to perform their tasks and make professional decisions without apprehension regarding the viewpoint of the governor. This is an efficacious structure unless one believes that all worthy ideas, plans, policies and budget recommendations must flow from the governor's office.

The governor, as servant to all the citizens and the chief executive officer of the state, has the opportunity and responsibility to recommend education policy, legislation and budget proposals. The legislature has the final authority with regard to education policy and budgets. An elected state board of education, which is free to make education policy decisions and education budget and legislative recommendations completely independent of the governor's office, provides for greater participation in the democratic process and strengthens the potential for better education policy, legislative and education funding recommendations and governance at the state level.

Public education and political democracy are inseparately linked. Public education is of such importance that a state board of education elected directly by citizens for the sole purpose of accommodating the education of youth is warranted. State and local government executive and legislative bodies have a plethora of other duties and responsibilities. Education is too important to become lost in the maze of other government services.

Ohioans are permitted to choose governors, legislators and other state and local officials at the ballot box. Why not all of the state board of education members?

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