

RESOLUTION TO REQUEST A FORMAL OPINION OF THE ATTORNEY GENERAL OF OHIO IN REFERENCE TO SENATE BILL ONE OF THE 135TH GENERAL ASSEMBLY: “REVISE EDUCATION LAW AND DEPARTMENT DUTIES; RENAME THE DEPARTMENT”

Members of the State Board of Education (“the Board”) affirm their constitutional charge to provide general supervision of the system of public education in Ohio and ~~question are uncertain of~~ the constitutionality of legislative efforts to ~~dismantle-limit~~ its role.

WHEREAS, Article IV, Section 4 of the Constitution of the United States of America says “The United States shall guarantee to every State in this Union a Republican [*Representative*] Form of Government”; and

WHEREAS, Article I, Section 2 of the Ohio Constitution states in part, “all political power is inherent in the people”; and

WHEREAS, in 1953, the citizens of Ohio voted to amend Article VI, Section 4 of the Ohio Constitution by removing the Department of Education from the executive office of the Governor and creating the State Board of Education. Section 4 states that the Board shall appoint a Superintendent of Public Instruction and that the respective powers and duties of the Superintendent and the Board shall be prescribed by law, for which the General Assembly has provided enabling language for nearly 70 years; and

~~WHEREAS, primary source documentation from the 1953 referendum provided to the Board through the State Library indicates clear intent for the Board to provide educational oversight as a shared responsibility with the General Assembly, Governor, State Board of Education, Superintendent of Public Instruction, and education leaders throughout Ohio, and~~

~~WHEREAS, by referendum the State Board of Education was created as a result of the passage of a 1953 referendum; and~~

~~WHEREAS, the vote of said referendum passed, the voice of the people compelled the State Legislature to adopt legislation to create the Ohio State Board of Education, the body authorized by law to provide much needed education oversight of education statewide; and~~

WHEREAS, the General Assembly, pursuant to Ohio Revised Code Section 3301.07, has granted the State Board of Education policy forming, rulemaking, planning and evaluative functions for all public schools of the State of Ohio since 1956; and

WHEREAS, ~~as passed version of~~ Senate Bill 1 (and ~~as introduced~~ companion ~~bill-Bill~~ House Bill 12) effectively strips the Board ~~of some~~ of its powers as ~~the Board believes~~ intended by the 1953 ~~constitutional-Constitutional~~ referendum by reverting back to the 1912 pre-referendum system shifting ODE back into a cabinet-level agency managed by an appointment from the governor.

NOW, THEREFORE IT BE RESOLVED, that the State Board of Education requests a formal opinion by ~~in-house or~~ independent counsel chosen by the Attorney General of Ohio on ~~the House and~~ Senate ~~Bill 4~~ ~~bills listed above~~ and ~~its their~~ conformity with the intent of Ohio’s Constitution.